



भारत का राजपत्र

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मई विल्ली, शनिवार, अगस्त 30, 1980/भाद्र 8, 1902

No. 35]

NEW DELHI, SATURDAY, AUGUST 30, 1980/BHADRA 8, 1902

इस भाग में भिन्न पृष्ठ संख्या की जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़ कर) भारत सरकार के मंत्रालयों और (संघ राज्यक्रम प्रशासनों को छोड़ कर)
केन्द्रीय प्राधिकारियों द्वारा जारी किए गए सांविधिक आवेदन और अधिसूचनाएं

Statutory Orders and Notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) by Central Authorities (other than the Administrations of Union Territories)

वित्त मंत्रालय

(राजस्व विभाग)

मई विल्ली, 8 जुलाई, 1980

आय-कर

का०आ० 2162.—केन्द्रीय सरकार, आय-कर प्रधिनियम, 1961 (1961 का 43) की धारा 10 वीं उपधारा (23A) के खण्ड (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, "मुस्लिम आंरकोर्ज कमेटी, तीर्थनेतवेली" को निर्वाचित वर्ष 1973-74 से 1980-81 तक के लिए उक्त धारा के प्रयोजनार्थ अधिसूचित करती है।

[सं० 3534/का०मं० 197/14/79-आ०क० (ए १)]
बी० एम० मिह०, प्रवर तत्विव

MINISTRY OF FINANCE

(Department of Revenue)

New Delhi, the 8th July, 1980

(INCOME-TAX)

S.O. 2162.—In exercise of the powers conferred by clause (v) of sub-section (23C) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby

578 GI/80—1

notifies "Muslim Orphanage Committee, Tirunelveli" for the purpose of the said section for the assessment years 1973-74 to 1980-81.

[No. 3534/F. No. 197/14/79-IT(AW)
B. M. SINGH, Under Secy.

मई विल्ली, 19 जुलाई, 1979

आय-कर

का०आ० 2163.—इस विभाग की अधिसूचना सं० 1245 (एक मं० 203/1/75-आ०क०ए० 2) तारीख 28 फरवरी, 1976 के लागू में सर्वसाधारण की जानकारी के लिए अधिसूचित किया जाता है कि भारतीय विकित्सा अनुसंधान परियद् नई दिल्ली ने, निम्नलिखित वैज्ञानिक अनुसंधान कार्यक्रम को, आय-कर अधिनियम, 1962 की धारा 35 की उपधारा (2क) के प्रयोजनों के लिए नीचे विविध अवधि के लिए अनुमोदित कर दिया है।

(वैज्ञानिक अनुसंधान कार्यक्रम):

महाराष्ट्रा गांधी विकित्सा विज्ञान संस्कारण
आयुर्विज्ञान शिक्षा में अनुसंधान
परियोजना।

(क) आयोजनकर्ता

कस्तूरबा स्वास्थ्य सोसाइटी, सेवामाम

(ख) आयोजन का स्थान:

महाराष्ट्रा गांधी आयुर्विज्ञान संस्कारण,
सेवामाम।

कार्यक्रम की प्रवृत्ति :

आयुर्विज्ञान शिक्षा में अनुसंधान जैसा व्यापक अनुसंधान कार्यक्रम अत्यंत समय में पूरा नहीं किया जा सकता। अतः यह कहना बहुत कठिन है कि इस अनुसंधान कार्यक्रम की निश्चित अवधि क्या होगी। यह कार्य निरन्तर चलने वाला कार्य है। तथापि यह आमा की जाती है कि आयुर्विज्ञान शिक्षा में यह व्यापक अनुसंधान कार्यक्रम दम वर्ष से कम समय में निपटाने के लिए तैयार हो जाएगा।

परियोजना वर्च :

इस परियोजना के प्रथम दस वर्ष का अंत लगभग 8 से 10 करोड़ 50 लक्ष तक होगा। चालू वर्ष के लिए आवश्यक अपेक्षित किया गया है। अनावर्ती खर्च लगभग 2 करोड़ 50 होगा। इसकी तुरंत प्रावधानकारी होगी। यह कर्मचारियों के लिए क्वार्टर, प्रशासनिक और धूलाई, गृह आदि जैसे भवनों के निर्माण पर तथा महत्वपूर्ण अस्पताली उपकरणों के त्रय के लिए वर्ष किया जाएगा।

महात्मा नोडी आयुर्विज्ञान संस्थान, मध्य को, जहां उपरोक्त कार्यक्रम तेजार किया गया है, भाष्य-कर, प्रधिनियम, 1961 की धारा 35 (1) (ii) के अधीन वित्त भंकालय की अधिसूचना सं० 817 (एक सं० 203/1/75-मा०क०० ८० 2) तारीख 13-1-75 द्वारा अनुमोदित कर दिया गया है।

[पं० 2671/एक सं० 203/59/77-मा०क०० ८-II]

जे० पी० नर्मा० निवेशक

New Delhi, the 19th July, 1979

INCOME TAX

S.O. 2163.—In continuation of this Department's Notification No. 1245 (F.No 203/1/75-ITA. II) dated 28th February, 76 it is hereby notified for general information that the following scientific research programme has been approved for the period specified below for the purposes of sub-section (2A) of Section 35 of the Income-Tax Act, 1961 by the Indian Council of Medical Research, new Delhi.

Scientific Research Programme: Mahatma Gandhi Institute of Medical Sciences—a research project in medical education.

Sponsored (a) by:—

Kasturba Health Society, Sevagram.

Sponsored (b) at:—

Mahatma Gandhi Institute of Medical Sciences, Sevagram

Duration of Programme:—

A major research programme like research in medical education cannot be completed within a short duration of time. Therefore, it is very difficult to say what will be the exact duration of this research progr.

ame. It will be of a continuous nature. However, it is expected that the major research programme in medical education will be ready for assessment in less than ten years.

Cost of project:—

The cost of the project will be between Rs. 8 to 10 crores for the first ten years. The recurring expenditure for the current year is estimated to be Rs. 64 lakhs. The non-recurring expenditure so far incurred is about Rs. 2 crores are immediately required for construction of buildings like staff quarters, administrative- cum- laundry etc. and purchase of important hospital equipments."

The Mahatma Gandhi Institute of Medical Sciences, Wardha where the above programme, has been sponsored has been approved under Section 35 (i) (ii) of the Income-tax Act, 1961, vide Ministry of Finance Notification No. 817 (F. No. 203/1/75- ITA. II) dated 13-1-75.

[No. 2671/F.No. 203/59/77-ITA. II
J. P. SHARMA, Director

आवेदन

नई दिल्ली, 19 अगस्त, 1980

का० आ० 2164.—विदेशी मुद्रा संरक्षण और तस्करी निवारण प्रधिनियम, 1974 की (1974 का 52) धारा 3 की उपधारा (1) के अधीन मशक्त प्रपर मञ्च, भारत सरकार ने उक्त उपधारा के अधीन आवेदन एक० सं० 673/21/79-सी य० एस० 8, तारीख 27 दिसम्बर 1979 आगे कामे यह निवेश दिया था कि श्री स्टेनले चाल्स ट्रीडी, सुनुत श्री जी० एक० द्वीडी, एम-48, ग्रेटर कैलाश, नई दिल्ली निवासी को, माल की तस्करी से उसे रोकने के लिए निरुद्ध रखा जाए और केन्द्रीय कागार, मद्रास में अभिनवा में रखा जाए;

और उक्त श्री स्टेनले चाल्स ट्रीडी 30 दिसम्बर, 1979 को उक्त प्रधिनियम के अधीन निरुद्ध किए जाने के पश्चात् 6 फरवरी, 1980 को पुलिस अभिनवा से निकल भागा है और केन्द्रीय सस्कार के पास विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या वह अपने आप को छिपाए हुए है ताकि उसे पुनः निरुद्ध न किया जा सके;

अतः, केन्द्रीय सस्कार, उक्त अधिनियम की धारा 7 की उपधारा (1) के अन्तर्गत (ब) द्वारा प्रवत्त शक्तियों का प्रयोग करते हुए, पूर्वोक्त व्यक्ति को निवेश देती है कि वह इस आवेदन के राजपत्र में प्रकाशन से मात्र दिन के शीतल पुलिस आयुक्त, मद्रास के समक्ष उपस्थित हो।

[फा० सं० 673/21/79-सी य० एस० 8]
एन० के० पी० सिन्हा, प्रब्र सचिव

ORDER

New Delhi, the 19th August, 1980

S.O. 2164.—Whereas the Additional Secretary to the Government of India, specially empowered under sub-section (1) of section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974)

issued order F. No. 673/21/79-Cus.VIII, dated the 27th December, 1979, under the said sub section directing that Shri Stanley Charles Tweedie, son of Shri G. F. Tweedie, of M-48, Greater Kailash, New Delhi be detained and kept in custody in the Central Prison, Madras, with a view to preventing him from smuggling goods;

Whereas the said Shri Stanley Charles Tweedie, after being detained on the 30th December, 1979 under the said Act, has escaped from police custody on the 6th February, 1980 and the Central Government has reason to believe that the aforesaid person has absconded or is concealing himself so that he cannot be redetained;

2. Now therefore in exercise of powers conferred by clause (b) of sub-section (1) of section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner of Police, Madras, within 7 days of the publication of this Order in the Official Gazette.

[F. No. 673/21/79-Cus.VIII]
N. K. P. SINHA, Under Secy

(आधिकारिक भाष्य विभाग)

शृंगी-पत्र

नई दिल्ली, 5 अगस्त, 1980

बैंकिंग प्रभाग

का०प्रा० 2165—इस प्रभाग की 19 जून, 1980 [29 ज्येष्ठ, 1902 (शक)] की समसंबंधिक प्रधिसूचना की अनिम पक्षि में—

“झानुआ जिने की स्थानीय सीमाओं में कार्य करेगा” के स्थान पर “झानुआ-धार जिने की स्थानीय सीमाओं में कार्य करेगा” प्रतिस्थापित किया जाएगा।

[मन्त्रा एक० 1-24/79-प्रा०प्रा०पी० (I)]
इन्हानी सेन, भवर मन्त्रिव

वाणिज्य, वागरिक प्रूति तथा सहकारिता मंत्रालय

(कानिज्य विभाग)

नई दिल्ली, 30 अगस्त, 1980

का०प्रा० 2166—केन्द्रीय सरकार नियांत (क्वालिटी नियवण और निरीक्षण) प्रधिनियम, 1963 (1963 का 22) की धारा 7 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, अधिनियम के अतिरिक्त शायी भव्यरोट के अतिरिक्त कृषि वस्तुओं के धूमीकरण के लिए इयके नियांत से पूर्व निरीक्षण तथा क्वालिटी नियवण के लिए मै० पैस्ट कंट्रोल कैमिकल्स, मैन रोड कन्नवारिथो, गुंतुर (आ०प्र०) को धूमीकरण प्रभिकरण के रूप में और एक वर्ष की अवधि के लिए मान्यता देती है।

[मिं० स० 5(3)/79-नि० निं० तथा नि० उ०]

New Delhi, the 30th August, 1980

S.O. 2166.—In exercise of the powers conferred by Section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby recognises for a further period of one year M/s. Pest Control Chemicals, Main Road, Kannavarithota, Guntur (A.P.) as fumigation agency for Quality Control and Inspection for fumigation of agricultural commodities covered under the Act except Walnut prior to its export.

[F. No. 5(3)/79-EI&EP]

नई दिल्ली, 30 अगस्त, 1980

का०प्रा० 2167—केन्द्रीय सरकार, नियांत (क्वालिटी नियवण और निरीक्षण) प्रधिनियम, 1963 (1963 का 22) की धारा 17 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मछली तथा मछली से बनी वस्तुओं का नियांत

(क्वालिटी नियवण और निरीक्षण) नियम, 1977 का संपोषण करते के लिए तिम्लिखित नियम बनाती है, अतिरिक्त—

1 (1) इन नियमों का नाम मछली तथा मछली से बनी वस्तुओं का नियांत (क्वालिटी नियवण और निरीक्षण) वशोधन नियम, 1980 है।

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होगे।

2 मछली तथा मछली से बनी वस्तुओं का नियांत (क्वालिटी नियवण और निरीक्षण) नियम, 1977 में नियम 4 के स्थान पर तिम्लिखित नियम प्रतिस्थापित किया जायेगा, अतिरिक्त—

“4 निरीक्षण फीस—

अभिकरण का नियांतकरण द्वारा निरीक्षण फीस के रूप में फीस तिम्लिखित दरों पर दी जाएगी, किन्तु वह प्रत्येक परेषण के लिए 30 रु. से कम नहीं होगी, अतिरिक्त—

(1) प्रशीति झांगा मछली (शिघ्मन) —मासी प्रकार की प्रति कि० प्रा० या उसके भाग के लिए—15 पैसे

(2) प्रशीति लालस्टर मछली—सभी प्रकार की प्रति कि०प्रा० या उसके भाग के लिए अठाईन वैसे

(3) प्रशीति कटल मछली—प्रति कि०प्रा० या उसके भाग के लिए दस वैसे

(4) प्रशीति स्फ्यूड—प्रति कि०प्रा० या उसके भाग के लिए पांच वैसे

(5) प्रशीति पापर्फिट—प्रति किलो प्रा० या उसके भाग के लिए इस वैसे।”

[स० 6(4)-80-प्रि०नि० लघा नि०स०]

MINISTRY OF COMMERCE, CIVIL SUPPLIES AND COOPERATION

(Department of Commerce)

New Delhi, the 30th August, 1980

S.O. 2167.—In exercise of the powers conferred by section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby makes the following rules further to amend the Export of Fish and Fishery Products (Quality Control and Inspection) Rules, 1977 namely :—

1. (1) These rules may be called the Export of Fish and Fishery Products (Quality Control and Inspection) Amendment Rules, 1980

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Export of Fish and Fishery Products (Quality Control and Inspection) Rules, 1977, for rule 4, the following rule shall be substituted, namely :—

“4 Inspection Fee—

Subject to a minimum of Rs 30 for each consignment, a fee at the following rates shall be paid by the exporters to the agency as inspection fee, namely :—

(1) Frozen Shrimps—All types—fifteen paise per kg. or part thereof.

(2) Frozen Lobsters—All types—twentyeight paise per kg or part thereof.

(3) Frozen Cuttle—Ten paise per kg. or part thereof.

(4) Frozen Squids—Five paise per kg. or part thereof.

(5) Frozen Pomfrets—Ten paise per kg. or part thereof.”

[No. 6(4)/80-H&EP]

का०प्रा० 2168—केन्द्रीय सरकार, नियांत (क्वालिटी नियवण और निरीक्षण) प्रधिनियम, 1963 (1963 का 22) की धारा 17 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, सूखी मछली से बनी वस्तुओं का नियांत

और निरीक्षण) नियम, 1970 का संशोधन करने के लिये निम्नलिखित नियम बनाती है, अर्थात् :—

1. (1) इन नियमों का नाम सूखी मछली नियाति (क्वालिटी नियंत्रण और निरीक्षण) संशोधन नियम, 1980 है।

(2) ये राजस्व में प्रकाशन की तारीख से प्रवृत्त होंगे।

2. सूखी मछली नियाति (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1970 के नियम 7 के स्थान पर निम्नलिखित नियम रखा जाएगा, अर्थात् —

“निरीक्षण फीस—

प्रभिकरण को इन नियमों के अधीन प्रत्येक परेषण पर प्रति दिलो-ग्राम या उसके भाग के लिये शतांश पैसे की दर से निरीक्षण फीस के रूप में फीस दी जाएगी, किन्तु वह प्रत्येक परेषण के लिए 10 रुपये से कम नहीं होगी।”

[सं 6(4)-80-नियम तथा नियम 7]

S.O. 2168.—In exercise of the powers conferred by section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby makes the following rules further to amend the Export of Dried Fish (Quality Control and Inspection) Rules, 1970, namely:—

1. (1) These rules may be called the Export of Dried Fish (Quality Control and Inspection) Amendment Rules, 1980.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Export of Dried Fish (Quality Control and Inspection) Rules, 1970, for rule 7, the following rule shall be substituted, namely :—

“7. Inspection Fee—

A fee at the rate of two paise per kg. or part thereof, subject to a minimum of Rs. 10 per consignment, shall be paid to the Agency as Inspection Fee under these rules.”

[No. 6(4)/80-EI&EP]

का० आ० 2169.—केन्द्रीय सरकार, नियाति (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम 1963 (1963 का 22) की धारा 17 द्वारा प्रदत्त पार्कियों का प्रयोग करने हुए, सूखी शार्क मीन पंख और मीन बाताशय नियाति (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1969 का और संशोधन करने के लिए निम्नलिखित नियम बनाती है, अर्थात् :—

1. (1) इन नियमों का संक्षिप्त नाम सूखी शार्क, मीन पंख और मीन बाताशय नियाति (क्वालिटी नियंत्रण और निरीक्षण) संशोधन नियम, 1980 है।

(2) ये राजस्व में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. सूखी शार्क, मीन पंख और मीन बाताशय नियाति (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1969 के नियम 7 के स्थान पर निम्नलिखित नियम रखा जाएगा, अर्थात् :—

“7. निरीक्षण फीस—

प्रभिकरण को इन नियमों के अधीन प्रत्येक परेषण पर प्रति दिलो-ग्राम या उसके भाग के लिए बतील पैसे की दर से निरीक्षण फीस के रूप में फीस दी जाएगी, किन्तु वह प्रत्येक परेषण के लिए 10 रुपये से कम नहीं होगी।”

[मं 6(4)-80-नियम तथा नियम 7]

मी० श्री० कुकरेती, संयुक्त निदेशक

New Delhi, the 30th August, 1980

S.O. 2169.—In exercise of the powers conferred by section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby makes the following rules further to amend the Export of Dried Shark, Fins and Fish Maws (Quality Control and Inspection) Rules, 1969, namely :—

1. (1) These rules may be called the Export of Dried Shark Fins and Fish Maws (Quality Control and Inspection) Amendment Rules, 1980.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Export of Dried Shark Fins and Fish Maws (Quality Control and Inspection) Rules, 1969, for rule 7, the following rule shall be substituted, namely :—

“7. Inspection Fee—

A fee at the rate of thirty-two paise per kg. or part thereof, subject to a minimum of Rs. 10 per consignment, shall be paid to the Agency as Inspection Fee under these rules.”

[No. 6(4)/80-EI&EP]

C. B. KUKRETI, Joint Director

(मुख्य नियंत्रक, आयात, नियाति का कार्यालय)

आदेश

नई दिल्ली, 8 अगस्त, 1980

का० आ० 2170.—श्री होमी जाल पस्ताकिया, वास्टेम्प इलेक्ट्रिक्स लिंग, पी०ओ० बाक्स 4237 सूखी मस्कट (गोल गांव, 802/बी, डा० अम्बेडकर रोड, पारसी कालोनी, वादर, बम्बई) को मरमदीज बैन्ज मॉडल 1980 कार के आयात के लिए 54000 रुपए का सीमा शुल्क निकासी परमिट सं 6(4)/जे/3058754/एन/एम पी/75/एच/80, विनांक 1-5-80 प्रदान किया गया था। उन्होंने सीमा शुल्क निकासी परमिट की अनुसिपि प्रति के लिए आवेदन किया है, क्योंकि मूल सीमा शुल्क निकासी परमिट अस्थानस्थ हो गया है। प्रागे यह बताया गया है कि मूल सीमा शुल्क निकासी परमिट किसी भी सीमा शुल्क कार्यालय में पंजीकृत नहीं था और उसका उपयोग बही किया गया था।

इस तर्क के समर्थन में, श्री होमीजाल पस्ताकिया ने एक शपथ-पत्र दाखिल किया है। उन्होंने बचन दिया है कि पदि बाद में सीमा शुल्क निकासी परमिट उन्हें मिल गया तो इस कार्यालय को रिकॉर्ड के लिए लौटा देंगे। मैं संतुष्ट हूँ कि मूल सीमा शुल्क निकासी परमिट संख्या पी०जे/3058754, विनांक 1-5-80 द्वारा गया है, प्रथम अस्थानस्थ हो गया है और निदेश देता हूँ कि उन्हें अनुसिपि सीमा शुल्क निकासी परमिट जारी किया जाए। मूल सीमा शुल्क निकासी परमिट रद्द किया गया समझा जाए।

[मिसिल सं 2-बी-220/79-80/बी एल एस/110]
सी० जूतसी, उपमुख्य नियंत्रक, आयात नियाति

(Office of the Chief Controller of Imports and Exports)

ORDER

New Delhi, 8th August, 1980

S.O. 2170.—Mr. Homi Jai Pastakia, Voltamp Electricals Ltd., P.O. Box 4237, Ruwi, Muscat (Gool Villa, 802/B, Dr. Ambedkar Road, Parsi Colony, Dadar, Bombay) was

granted customs clearance Permit No. P/J/3058754[N]MP/75/H/79 dated 1-5-80 for Rs. 54,000 for import of Mercedes Benz 230 Model 1974 Car Chasis No. 114617/20/226634 Engine No. 180934/20/115983 as applied for a duplicate copy of the Customers Clearance Permit as the Original Customs Clearance Permit has been lost. It is further stated that the original Customs Clearance Permit was not registered with any Customs House and not utilised.

In support of this contention Shri Homi Jal Pastakia has filed an affidavit. He has undertaken to return the Customs Clearance Permit if traced later to this office for record. I am satisfied that the original Customs Clearance Permit No. P/J/3058754 dated 1-5-80 has been lost and direct that a duplicate Customs Clearance Permit should be issued to him. The original Customs Clearance Permit may be treated as cancelled.

[F. No. 2/B-220/79-80[BES]110]

Sd/- Illegible

Dy. Chief Controller of Imports and Exports

प्रामीण पुर्वाणि संत्रासाथ

नई दिल्ली, 29 जुलाई, 1980

का० ना० 2171.—केन्द्रीय सरकार, कृषि उत्पाद (श्रेणीकरण और विस्थाकार) प्रधिनियम, 1937 (1937 का 1) की धारा 3 द्वारा प्रवत्त व्यक्तियों का प्रयोग करते हुए, भारत की खटाई और अमचूर श्रेणी करण और विस्थाकार नियम, 1980 बनाना चाहती है। उक्त धारा की अपेक्षासुसार प्रस्तावित नियमों का निम्नलिखित प्रारूप उन सभी व्यक्तियों की जानकारी के लिए प्रकाशित किया जा रहा है, जिनके उपरे प्रधावित होने की संभावना है। सूचना दी जाती है कि उक्त प्रारूप पर इन प्रधिसूचना के राजपत्र में प्रकाशन की तारीख से पैतालिस दिन के पश्चात विचार किया जाएगा।

ऊपर विनियिष्ट पैतालिस दिन की प्रधिति के भीतर नियमों के उक्त प्रारूप की आवश्यकता भी प्राप्त होंगे, या सुझाव किसी व्यक्ति से प्राप्त होंगे, केन्द्रीय सरकार उन पर विचार करेगी।

उक्त प्रधिति

1. (1) संक्षिप्त नाम और लागू होना:—इन नियमों का संक्षिप्त नाम भारत की खटाई और अमचूर (श्रेणीकरण और विस्थाकार) नियम 1980 है।

(2) ये भारत में उत्पादित भारत की खटाई और अमचूर को लागू होंगे।

2. परिभावाएँ:—इन नियमों में, जब तक कि सन्वर्भ से अस्थाय प्रभेक्षित न हो, तब तक कि सन्वर्भ से अस्थाय प्रभेक्षित न हो,

(क) 'सलाहकार' से भारत सरकार का हुपि विपणन सलाहक अभिप्रेत है;

(ख) 'प्राधिकृत पैकर' से ऐसा व्यक्ति या व्यक्तिनिकाय अभिप्रेत है जिसे भारत की खटाई और अमचूर के संबंध में, साक्षात्कार श्रेणीकरण और विस्थाकार नियम 1937 के नियम 3 के अधीन प्राधिकरण प्रमाणपत्र अनुदत्त किया गया है;

(ग) 'अनुसूची' से इन नियमों से उपायदृ अनुसूची अभिप्रेत है।

3. श्रेणी अभिधान:—भारत की खटाई और अमचूर की क्वालिटी को उपरक्षित करने वाला श्रेणी अभिधान वह होगा जो अनुसूची 3 और 4 के स्तरम् 1 में प्रधिकृत है।

4. क्वालिटी की परिभाषा:—भारत की खटाई और अमचूर की क्वालिटी वह होगी जो अनुसूची 3 के स्तरम् 2 से 8 तक और अनुसूची 4 के स्तरम् 2 से 6 तक प्रत्येक श्रेणी अभिधान के सामने प्रधिकृत है।

5. श्रेणी अभिधान चिन्ह:—श्रेणी अभिधान चिन्ह सलाहकार द्वारा दिया गया ऐसा लेबल है जिसमें श्रेणी अभिधान विनियिष्ट होगा जिसमें भारत के मानचित्र का रेखाचित्र 'एगमार्क' शब्द और उगते हुए सूर्य का चित्र के भीतर श्रेणी में 'प्रोड्यूस फ्रां इंडिया' और 'भारतीय उत्पाद' शब्द होंगे जो अनुसूची 1 में प्रधिकृत चिन्ह के सदृश होंगा।

टिप्पणी: (1) किसी कागज या कपड़े के थेले पर प्रयुक्त श्रेणी अभिधान चिन्ह, श्रेणी अभिधान विनियिष्ट करने हुए चिपकाए गए लेबल पर होगा।

(II) ये ट्रिवल जूट के थेलों पर प्रयुक्त श्रेणी अभिधान चिन्ह, श्रेणी अभिधान विनियिष्ट करते हुए आयताकार टई भ्रान लेबल पर होंगा।

8. विस्थाकन की रीति:—(1) श्रेणी अभिधान चिन्ह, प्रत्येक आधान पर, सलाहकार द्वारा अनुमोदित रीति से सुस्पष्टतः लगाया जाएगा।

(2) श्रेणी अभिधान चिन्ह के साथ-साथ प्रत्येक आधान पर, निम्नलिखित विशिष्टाणां सुस्पष्टतः अंकित की जाएंगी, प्रथात्:—

- (क) पैकिंग की तारीख;
- (ख) लाट संख्या;
- (ग) पैकर का नाम और पता;
- (घ) पैकिंग का स्थान, और
- (ङ) गुद भार।

(3) कोई प्राधिकृत पैकर, सलाहकार से पूर्वानुमोदन अभिप्राप्त करने के पश्चात, आधान पर, उक्त सलाहकार द्वारा अनुमोदित रीति में अपना प्राइवेट व्यापार चिन्ह लगा सकेगा;

परन्तु प्राइवेट व्यापार चिन्ह भारत की खटाई और अमचूर की उत्तरक्षिती या श्रेणी से मिले जो इन नियमों के अनुसार आधान पर श्रेणी अंधिकार चिन्ह द्वारा उपरक्षित है, क्वालिटी या श्रेणी व्यविष्ट नहीं करेगा।

(7) पैकिंग की रीति—(1) पैकिंग के लिए केबल ठोस, स्वच्छ और सूखे कागज, कपड़े या ट्रिवल जूट के आधान का या सलाहकार द्वारा यथा अनुमोदित किसी अन्य सामग्री का प्रयोग किया जायेगा। आधान कोट-संकेतण, कवच संदर्भण और किसी अन्य अवाक्षणीय गंध से मुक्त होगा।

(2) आधान सलाहकार द्वारा अनुमोदित रीति से सुरक्षापूर्वक बन्द और मुहर बन्द किया जाएगा।

(3) प्रत्येक पैकेज में केबल उसी श्रेणी अभिधान की भारत की खटाई और अमचूर होगा।

8. प्राधिकरण-प्रमाणपत्र की प्रतिरक्षित शर्तें:—साधारण श्रेणीकरण और विस्थाकार नियम, 1937 के नियम 4 में विनियिष्ट शर्तें के साथ साथ अनुसूची 2 में प्रधिकृत शर्तें भी, इन नियमों के प्रयोजनार्थे जारी किए जाने वाले प्रत्येक प्राधिकरण-प्रमाणपत्र की शर्तें होंगी।

अनुसूची 1

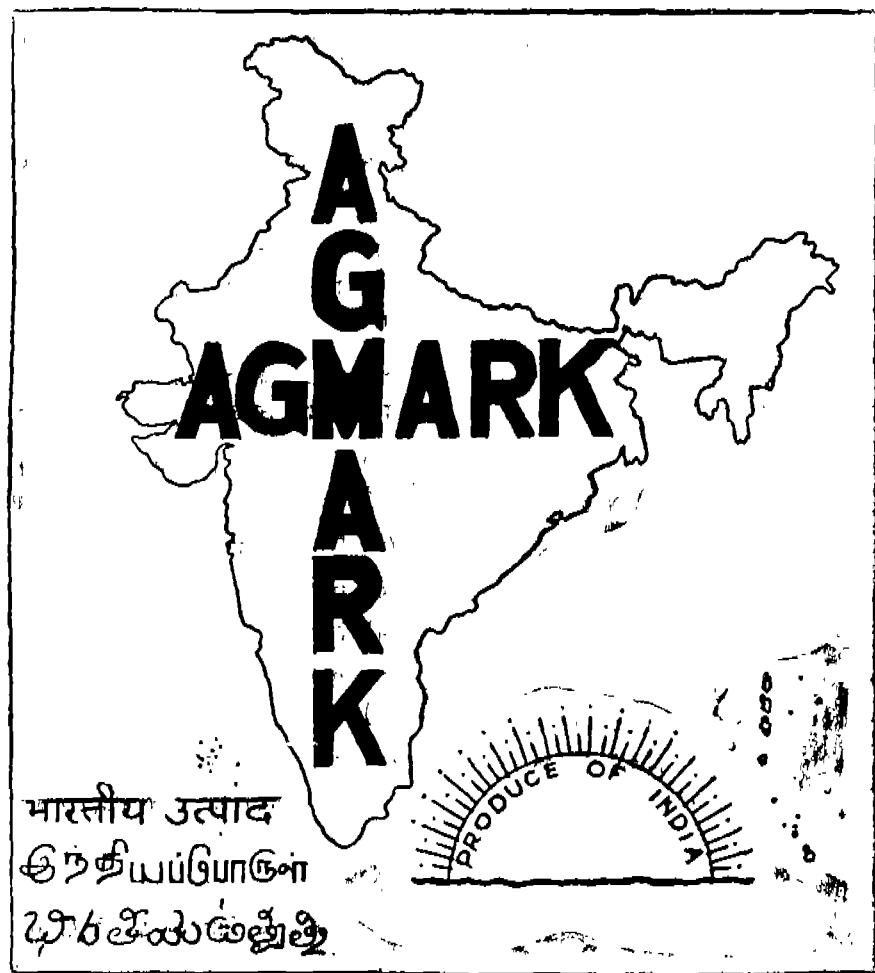
(नियम 5 देखिए)

श्रेणी प्रमिधान चिन्ह

एगमार्क

भारतीय उत्पाद

प्रोड्यूज आफ इंडिया



अनुसूची 2
(नियम 8 देखिए)
प्राधिकरण प्रमाणपत्र की विशेष शर्तें:

(क) कोई प्राधिकृत पैकर आम की बटाई और अमचूर के परीक्षण के लिए ऐसी व्यवस्था करेगा जैसी कृषि विपणन सलाहकार समय समय पर अधिकृत करे। वह नमूनों के विशेषण के उचित रिकार्ड भी रखेगा।

(ख) नमूना देने और विशेषण करने, आक्षानों को मुहरबन्द करने और विन्हाकित करने, अभिलेखों के मनुरक्षण और विवरणियों को देने प्राप्ति की बाबत ऐसी सभी अनुदेशों का, जो कृषि विपणन सलाहकार समय समय पर जारी करें, कठोरता से अनुपालन किया जाएगा।

(ग) आम की बटाई और अमचूर के हर लाट से आम की बटाई और अमचूर का नमूना कृषि विपणन सलाहकार द्वारा अधिकृत रीति में ऐसी नियमक प्रयोगशाला को जो समय समय पर निर्दिष्ट की जा सकेगी, प्रयोगित किया जाएगा।

(घ) प्राधिकृत पैकर, कृषि विपणन सलाहकार द्वारा इस नियम प्राधिकृत नियमित प्रधिकारियों के सिए ऐसी सभी भुविकारों की व्यवस्था करेगा जो आवश्यक हों।

अनुसूची 3
(नियम 3 और 4 देखिए)

आम की बटाई का, जो वाधिक्य जगत में बटाई के नाम से जात है, ऐसी प्रभिधान और क्वालिटी की परिभाषा

श्रेणी प्रभिधान

क्वालिटी की परिभाषा

साधारण स्थिति

विशेष लक्षण	साधारण स्थिति				
रंग	बाल्य पदार्थ	15 मि०मी०	बीज प्रावरण	प्रतिश्वस्त	प्राप्तिश्वस्त
भार के अनु- सार प्रतिश्वस्त	से कम लम्बी भार के फांक का	भनसार	भनसार	भनसार	भनसार
(अधिकतम)	(अधिकतम)	(अधिकतम)	(अधिकतम)	(अधिकतम)	(अधिकतम)
(प्रतिश्वस्त)	(प्रतिश्वस्त)	(प्रतिश्वस्त)	(प्रतिश्वस्त)	(प्रतिश्वस्त)	(प्रतिश्वस्त)

1	2	3	4	5	6	7	8
विशेष	मफेद	1.00	2.00	2.00	2.00	10.00	आम लाली बटाई, (बटाई) :
अच्छा	मूरा और मफेद	2.00	4.00	4.00	3.00	10.00	(1) बाहरी छिलके के साथ या उसके बिना अच्छा आम भेजे जाएं ताकि आम अच्छा होगा;
तामाचा	काला और मूरा	4.00	6.00	6.00	5.00	10.00	

(2) फर्कें और कीट संक्रमण और रंगीन पदार्थों से मुक्त, पूर्ण और उचित शुष्क होगा;

(3) स्वाद और सूखे के लक्षणों से युक्त होगा।

टिप्पणी:— (1) बाह्य पदार्थ में धूत, मिट्टी के टुकड़े वा कोई अस्त्र कार्बनिक भीर/था अकार्बनिक पदार्थ समाविष्ट होगा।

(2) 15 मि०मी० से कम लम्बी फांक, फांक के एक कोने से दूसरे कोने तक मापी जाएगी।

(3) बीज प्रावरण बीज का बाहरी भावरण होगा।

अनुसूची 4
(नियम 3 और 4 देखिए)

धूप में सुख्खल भए कर्जे आम का चूर्ण का, जिसका वाणिज्यिक नाम अमचूर है, ऐसी प्रभिधान और क्वालिटी की परिभाषा

श्रेणी प्रभिधान

क्वालिटी की परिभाषा

साधारण स्थिति

विशेष लक्षण	साधारण स्थिति		
रंग	कुल भस्म, अमचूर- भार के अनु- सार अनुसार सार प्रतिश्वस्त	शील भस्म (शुष्क भार)	प्राप्तिश्वस्त
प्रतिश्वस्त (अधिकतम)	(अधिकतम)	(अधिकतम)	(अधिकतम)
(प्रतिश्वस्त)	(प्रतिश्वस्त)	(प्रतिश्वस्त)	(प्रतिश्वस्त)

1	2	3	4	5	6
स्तर	3.5	4.0	1.5	10.0	धूप में सुख्खल गहरे कर्जे आम का चूर्ण
समधारण	4.5	6.0	1.5	10.0	(अमचूर):— (1) स्वच्छ और शुष्क धूप में तुकारी गई कर्जे आम की फलों के पेश द्वारा प्रभिग्राह्य चूर्ण होगा,

(2) स्वाद और रंग के संक्षणों से युक्त और मस्ती गंध, आपसिजनक स्वाद, फूंगी, और कोट संक्षण से मुक्त होगा ;

(3) ग्राह्य और रंगीन पदार्थ और परिरक्षकों से मुक्त होगा ;

(4) स्पूल कणों से मुक्त होगा और सामग्री का 97 प्रतिशत 500 ग्राम्य एस माइक्रोन चलनी से पास हो जाएगा ।

[सं० एफ-10-12/79-ए० एम०)
के० एल० गुप्ता, प्रबन्ध सचिव

MINISTRY OF RURAL RECONSTRUCTION

New Delhi, the 29th July, 1980

S.O. 2171.—The following draft of the Sundried Raw Mango Slices and Powder Grading and Marking Rules, 1980, which the Central Government proposes to make, in exercise of the powers conferred by section 3 of the Agricultural Produce (Grading and Marking) Act, 1937 (1 of 1937), is hereby published, as required by the said section, for the information of all persons likely to be affected thereby, and notice is hereby given that the said draft will be taken into consideration on or after the expiry of fortyfive days from the date of publication of this notification in the Official Gazette.

2. Any objections or suggestions which may be received from any person with respect to the said draft with in a period of forty-five days specified above will be considered by the Central Government.

DRAFT RULES

- (1) Short title and application.—(1) These rules may be called the Sundried Raw Mango Slices and Powder (Grading and Marketing) Rules, 1980.
- (2) They shall apply to Sundried Raw Mango Slices and powder produced in India.

2. Definitions.—In these rules, unless the context otherwise requires, —

- "Adviser" means the Agricultural Marketing Adviser to the Government of India ;
- "Authorised packer" means a person or a body of persons who has been granted a certificate of authorisation under rule 3 of the General Grading and Marking Rules, 1937, in relation to the Sundried Raw Mango Slices and Powder ;
- "Schedule" means the Schedule appended to these rules.

3. Grade designations.—The grade designations to indicate the quality of the Sundried Raw Mango Slices and Powder shall be as set out in column 1 of Schedules III and IV.

4. Definition of quality.—The quality of the Sundried Raw Mango Slices and Powder shall be as set out in columns 2 to 8 of Schedule III and columns 2 to 6 of Schedule IV against each grade designation.

5. Grade designation mark.—The grade designation mark shall consist of a label supplied by the Adviser specifying

the grade designation and bearing the design consisting of an outline map of India with the word 'AGMARK' and the figure of the rising sun with the words "Produce of India" and "भारतीय उत्पाद" resembling the mark set out in Schedule I.

Note.—(i) The grade designation mark to be used on paper or cloth bags shall consist of a paste-on label specifying the grade designation.

(ii) The grade designation mark to be used on B-twill jute bags shall consist of a rectangular tie-on label specifying the grade designation.

Method of marking.—(1) The grade designation mark shall be clearly affixed to every container in a manner approved by the Adviser.

(2) In addition to the grade designation mark, every container shall be clearly marked with the following particulars, namely :—

- date of packing ;
- lot number ;
- name and address of packer ;
- place of packing ; and
- net weight.

(3) An authorised packer may, after obtaining the prior approval of the Adviser, mark his private trade mark on a container in the manner approved by the said Adviser :

Provided that the private trade mark shall not represent quality or grade of the Sundried Raw Mango Slices and Powder different from that indicated by the grade designation mark affixed on the container in accordance with these rules.

7. Method of packing.—(1) Only sound, clean and dry container made of paper, cloth, B-twill jute or any other material as may be approved by the Adviser, shall be used for packing. The container shall be free from any insect infestation, fungus contamination and from any undesirable smell.

(2) The container shall be securely closed and sealed in the manner approved by the Adviser.

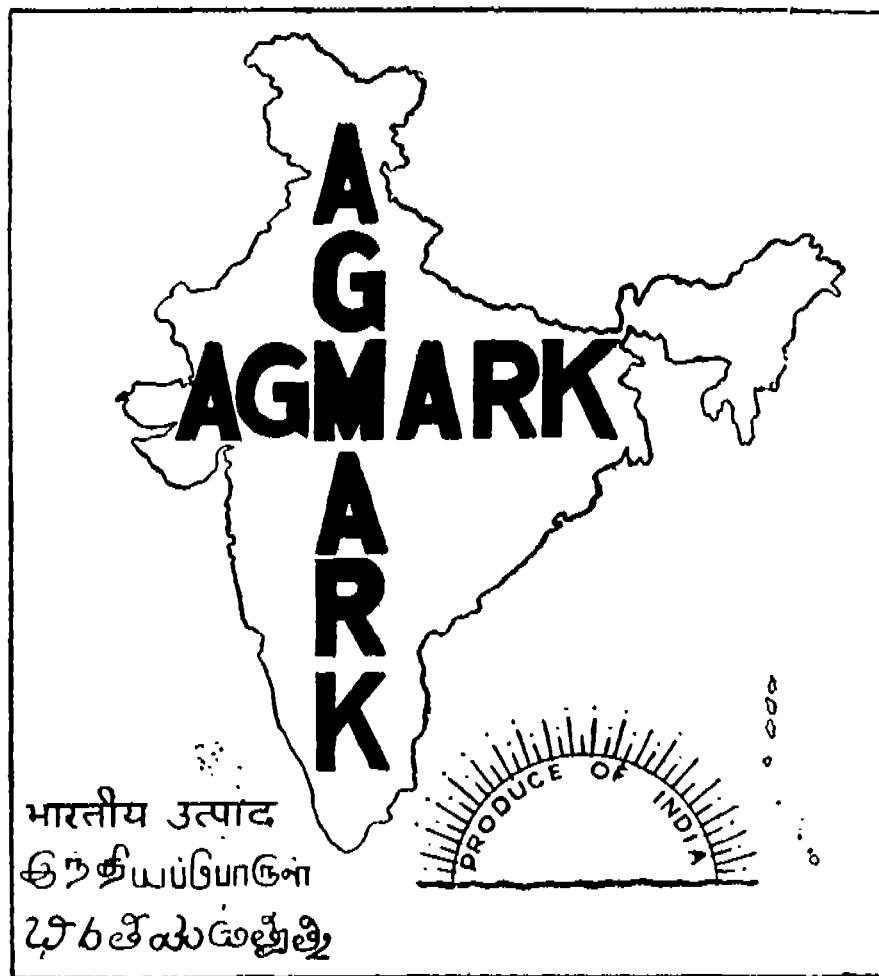
(3) Each package shall contain the Sundried Raw Mango Slices and Powder of the same grade designation only.

8. Additional conditions of certificate of authorisation.—In addition to the conditions specified in rule 4 of the General Grading and Marking Rules, 1937, the conditions set out in Schedule II shall be the conditions of every certificate of authorisation issued for the purpose of these rules.

SCHEDULE I

(See rule 5)

Grade designation mark



SCHEDULE II

(See rule 8)

Special conditions of certificate of authorisation :

(a) An authorised packer shall make such arrangement for testing Sundried Raw Mango Slices and Powder as may be laid down from time to time by the Agricultural Marketing Adviser. He shall also maintain records of the analysis of samples.

(b) All instructions regarding the method of sampling and analysis, sealing and marking of containers, the maintenance of records and submission of returns,

etc. which may be issued from time to time by the Agricultural Marketing Adviser, shall be strictly observed.

(c) A sample of Sundried Raw Mango Slices and Powder drawn in a manner laid down by the Agricultural Marketing Adviser from each lot of Sundried Raw Mango Slices and Powder shall be forwarded to such control laboratory as may be directed from time to time.

(d) An authorised packer shall provide all such facilities as may be necessary to the Inspecting Officer duly authorised by the Agricultural Marketing Adviser in this behalf.

SCHEDULE III

(See rules 3 and 4)

Grade designations and definitions of quality of sundried Raw Mango Slices commercially known as Khatai.

Grade designation	Definition of quality							General characteristics	
	Special Characteristics								
	Colour	Extraneous matter per cent by weight (Maximum)	Slices below 15 mm. in length per cent by weight (Maximum)	Seed coating per cent by weight (Maximum)	Damaged slices per cent by weight (Maximum)	Moisture content per cent by weight (Maximum)			
1	2	3	4	5	6	7	8		
Special	White	1.0	2.0	2.0	2.9	10.0	Sundried raw mango slices		
Good	White to Brown	2.0	4.0	4.0	3.0	10.0	(Khatai) shall,—		
Fair	Brown to Black	4.0	6.0	6.0	5.0	10.0	(1) be dried edible part of the raw mango fruit with or without the outer skin ; (2) be reasonably dry and whole some and free from moulds and insect infestation and colouring matters ; (3) have characteristics taste and flavour.		

Notes :— (1) Extraneous matter shall comprise dust, lumps of earth or any other organic and/or inorganic matter.
 (2) Slices below 15 mm. in length shall be measured from one end to the other end of the slice (s).
 (3) Seed coatings shall be the exterior covering of the seed.

SCHEDULE IV

(See rule 3 and 4)

Grade designations and definitions of quality of Sundried Raw Mango Powder commercially known as Amchur.

Grade designation	Definition of quality							General characteristics	
	Special Characteristics								
	Crude fibre percent by weight (Maximum)	Total ash percent by weight (Maximum)	Acid insoluble ash (on dry weight basis) percent by weight (Maximum)	Moisture					
1	2	3	4	5	6	7	8		
Standard	3.5	4.0	1.5	10.0	Sundried raw mango powder (Amchur) shall,—				
General	4.5	6.0	1.5	10.0	(1) be the powder obtained by grinding clean and dried sundried raw mango slices;				

1 2

3

4

5

6

- (2) have characteristic taste and flavour and free from musty odour and objectionable flavour, fungus and insect infestation;
- (3) be free from extraneous and colouring matter and preservatives;
- (4) be free from coarse particles and 97 per cent of the material shall pass through 500 IS Micron sieve.

[No. F. 10-12/79 AM]
K. L. GUPTA, Under Secy.

MINISTRY OF EDUCATION AND CULTURE

(Department of Education)

CORRIGENDUM

New Delhi, the 4th August, 1980

S.O. 2172.—In this Ministry's notification No. F. 10-52/80-Desk (U) dated 31st July, 1980, Please read "Shri V. B. Eswaran" for "Shri E. V. Eswaran".

[F. 10-52/80-Desk (U)]
S. N. PANDITA, Jt. Secy.

निर्माण और आवास मंत्रालय

नई विल्ली, 2 अगस्त, 1980

का०खा० 2173.—यह केन्द्रीय सरकार दिल्ली के लिए दूर्घत योजना में, उसमें विज्ञाएं गए थीं के बारे में जो कलिपय संशोधन करना चाहती है उनको दिल्ली विकास भविनियम, 1957 (1957 का 61) की धारा 44 के उपबन्धों के अनुसार नोटिस संख्या एफ० 20(4)/80-एम०पी० तारीख 3-5-80 के साथ आपत्तियां/सुझाव मंगवाने के लिए प्रकाशित किया गया था जैसा कि उक्त भविनियम की धारा 11ए की उपधारा (3) में उक्त नोटिस के जारी होने के 30 दिनों के भीतर प्रकाशित है।

प्रीर यत: उक्त संशोधनों के बारे में कोई आपत्ति या सुझाव प्राप्त नहीं हुए हैं;

अब इसलिए उक्त भविनियम की धारा 11ए की उपधारा (2) में प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार दिल्ली के लिए उक्त दूर्घत योजना में इस संशोधन को भारत के राजपत्र में प्रकाशन की तिथि से निम्नलिखित संशोधन करती है, नामतः—

संशोधन

11.33 लैटेर (28 एकड़) के माप का प्लाट तीनमूर्ति हाउस जो डी०-12 के जोन (अकबर रोड) में पड़ता है जो, उत्तर पूर्व में 45.72 मीटर (150 फुट) और तीनमूर्ति मार्ग, उत्तर पश्चिम में 45.72 मीटर (150 फुट) और कुशक रोड, दक्षिणपूर्व में 45.72 मीटर (150 फुट) और रेस कोर्स रोड तथा दक्षिण पश्चिम में कुशक नाला से पिरे पाटेक के भूमि प्रयोग को 'रिहायरी' से 'सार्वजनिक तथा अद्वार्द्वार्जनिक सुविधाओं' में (सामाजिक तथा मास्कुलिंग संस्थानों) में बदला गया है।

[संख्या के०-13011/8/80-सी०-ए०-II ए०]
एस० बालाकृष्णन, डेस्क भ्रष्टिकारी

MINISTRY OF WORKS AND HOUSING

New Delhi, the 2nd August, 1980

S.O. 2173.—Whereas certain modifications, which the Central Government proposes to make in the Master Plan for Delhi regarding the areas mentioned hereunder, were published

with Notice No. F. 20(4)/80-MP dated 3-5-80, in accordance with the provisions of section 44 of the Delhi Development Act, 1957 (61 of 1957) inviting objections/suggestions, as required by sub-section (3) of section 11A of the said Act, within thirty days from the date of said Notice;

And whereas no objection or suggestion has been received with regard to the aforesaid modification;

Now, therefore, in exercise of the powers conferred by sub-section (2) of section 11A of the said Act, the Central Government hereby makes the following modifications in the said Master Plan for Delhi with effect from the date of publication of this modification in the Gazette of India, namely :—

MODIFICATIONS :

"The land use of a plot (Teen Murti House), measuring 11.33 hecs. (28 acres), falling in Zone D-12 (Akbar Road), within the pocket surrounded by 45.72 mts. (150.0') vide Teen Murti Marg in the North-East, 45.72 mts. (150.0') wide Kushak Road in the North-West, 45.72 mts. (150.0') wide Race Course Road in the South-East and Kushak Nallah in the South-West, is changed from "Residential" to "Public and Semi-Public facilities" (Social and Cultural Institutions)".

[No. K-13011/8/80-DD II] S. BALAKRISHNAN, Desk Officer

पूर्ति और पुनर्वास मंत्रालय

(पुनर्वास विभाग)

नई विल्ली, 26 जुलाई, 1980

का० खा० 2174.—निष्कालन सम्पत्ति प्रशासन भविनियम, 1950 (1950 का 31) की धारा 55 की उपधारा (3) द्वारा महाभिरक्षक के रूप में मुक्ति प्रवत्ति का प्रयोग करते हुए, मैं इसके द्वारा इस विभाग की भवित्वसूचना संख्या-1(30)/वि०से०/75-एस०-एस०-II दिनांक 26-7-1980 द्वारा नियुक्त, राजस्थान राज्य के उप महाभिरक्षक श्री मंगल बिहारी को महाभिरक्षक की निम्नलिखित शक्तियां सौंपता हैः—

- (1) भविनियम की धारा 24 तथा 27 के अधीन शक्तियां।
- (2) भविनियम की धारा 10(2)(0) के अधीन किसी भी निष्कालन सम्पत्ति के हस्तांतरण के अनुमोदन की शक्तियां।
- (3) निष्कालन सम्पत्ति प्रशासन (केन्द्रीय) नियमावली, 1950 के नियम 30-ए के अधीन सामलों को हस्तांतरण की शक्तियां।

2. इससे भवित्वसूचना संख्या-1(30)/वि०से०/75-एस०-एस०-II विनांक 12-11-1979 का भविक्षण किया जाता है।

[संख्या 1-(30)/वि०से०/75-एस०-एस०-II]

MINISTRY OF SUPPLY AND REHABILITATION

(Department of Rehabilitation)

New Delhi, the 26th July, 1980

S.O. 2174.—In exercise of the powers conferred on me as Custodian General by Sub-section (3) of Section 55 of the Administration of Evacuee Property Act, 1950 (31 of 1950), I hereby delegate to Shri Mangal Behari, Deputy Custodian General for the State of Rajasthan, appointed vide this Department's Notification No. 1(30)/Spl. Cell/75-SS. II dated 26-7-1980, the following powers of the Custodian General :—

- (i) Powers under Sections 24 and 27 of the said Act.
- (ii) Powers of approval of transfer of any evacuee property under Section 10(2)(O) of the Act.
- (iii) Powers of transfer of cases under Rule 30-A of the Administration of Evacuee Property (Central) Rules, 1950.

2. This supersedes Notification No. 1(30)/Spl. Cell/75-SS. II dated 12-11-1979.

[No. 1(30)/Spl. Cell/75-SS. II]

का०आ० 2175.—निष्कात्त सम्पत्ति प्रशासन अधिनियम, 1950 (1950 का 31) की धारा 55 की उपधारा (3) द्वारा महा अभिरक्षक के रूप में मुमे प्रदत्त शक्तियों का प्रयोग करते हुए, मैं, इसके द्वारा इस विभाग की प्रधिसूचना संख्या 1(15)/वि०स०/78-एस०-एस०-II (i) विनाक 26 जुलाई, 1980 द्वारा उप महाभिरक्षक के रूप में नियुक्त श्री एस० पी० शूद को महाभिरक्षक की निम्नलिखित शक्तियां सौंपता हूँ।

- (1) अधिनियम की धारा 24 तथा 27 के अधीन शक्तियां।
- (2) अधिनियम की धारा 10(2)(O) के अधीन किसी भी निष्कात्त सम्पत्ति के हस्तांतरण के अनुमोदन की शक्तियां।
- (3) निष्कात्त सम्पत्ति प्रशासन (केन्द्रीय) नियमावली, 1950 के नियम 30-ए के अधीन मामलों के हस्तांतरण की शक्तियां।

[संख्या 1(15)/वि०स०/78-एस०-एस०-II (ii)]

गोविन्द जी मिश्रा, महा अभिरक्षक

S.O. 2175.—In exercise of the powers conferred on me as Custodian General by Sub-Section (3) of Section 55 of the Administration of Evacuee Property Act, 1950 (31 of 1950), I hereby delegate to Shri S. P. Sud, Deputy Custodian General appointed vide this Department's Notification No. 1(15)/Spl. Cell/78-SS. II (i) dated the 26th July, 1980, the following powers of the Custodian General :—

- (i) Powers under Section 24 and 27 of the Act.
- (ii) Powers of approval of transfer of any of evacuee property under Section 10(2)(O) of the Act.
- (iii) Powers of transfer of cases under Rule 30-A of the Administration of Evacuee Property (Central) Rules, 1950.

[No. 1(15)/Spl. Cell/78-SS. II. (ii)]

G. J. MISRA, Custodian General

संचार मंत्रालय

(डाक तार बोर्ड)

नई दिल्ली, 20 अगस्त, 1980

का०आ० 2176.—स्थायी आदेश संख्या 627, दिनांक 8 मार्च, 1980 द्वारा लागू किए गए भारतीय तार नियम, 1981 के नियम 434 के खंड 3 के पैरा (क) के अनुसार डाक-तार महानिवेशक

मेरे गंगाधर नेल्लूर बोम्म समृद्धम टेलीफोन केन्द्रों में दिनांक 1-9-80 से प्रमाणित दर प्रणाली लागू करने का निश्चय किया है।

[संख्या 5-6/80 पी. ए० बी० ज० आ० सी० कटारिया, सहायक महानिवेशक (पी ए० बी०)]

MINISTRY OF COMMUNICATIONS
(P&T Board)

New Delhi, the 20th August, 1980

S.O. 2176.—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S.O. No. 627 dated 8th March, 1980, the Director General, Posts and Telegraphs, hereby specifies 1-9-80 as the date on which the Measured Rate System will be introduced in Gangadhar Nellore & Bomma Samudram Telephone Exchange, Andhra Pradesh Circle.

[No. 5-6/80-PHB]

R. C. KATARIA, Asst. Director General (PHB).

श्रम मंत्रालय

नई दिल्ली, 11 अगस्त, 1980

का०आ० 2177.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स दि एस्टर, 15, शेक्सपीयर सारणी, कलकत्ता-17, नामक स्थापन से मम्बद्ध नियोजक और कर्मचारियों को बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकारीण उपबन्ध अधिनियम 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए;

अतः श्रम, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह प्रधिसूचना 1 अप्रैल, 1979 को प्रवृत्त हुई समझी जाएगी।

[सं० एस०-35 017(94)/79-पी०-एफ० 2]

MINISTRY OF LABOUR

New Delhi, the 11th August, 1980

S.O. 2177.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs The Astor, 15, Shakespeare Sarani, Calcutta-17, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment ;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of April, 1979.

[No. S. 35017/94/79-PF. II]

का०आ० 2178.—केन्द्रीय सरकार, कर्मचारी भविष्य निधि और प्रकारीण उपबन्ध अधिनियम, 1952 (1952 का 19) की धारा 6 के प्रथम परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, संबद्ध विषय में आवास्यक जांच करने के पश्चात् प्रधिसूचना के राजपत्र में प्रकाशन की तारीख से मैसर्स मदरवा केमिकल्स (प्राइवेट) लिमिटेड, जी-1-बी-159, फेज 2, गी-1-डी-०८० बाटबा, अद्यमदामाब-382445 नामक स्थापन को उक्त परन्तुक के प्रयोगनों के लिए विभिन्न प्रकार के अनुसार उपलब्ध कराया जाएगा।

[का०सं० एस० 35019(248)/79-पी०-एफ० 2 (ii)]

हंसराज छाला, उप सचिव (एस० एस०)

S.O. 2178.—In exercise of the powers conferred by the first proviso to section 6 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), the Central Government after making necessary enquiry into the matter, hereby specifies with effect from the date of the publication of this notification in the official Gazette the establishment known as Messrs Bhadrada Chemicals (Private) Limited, G-1-B-159, Phase-2, C.I.D.C. Vatva, Ahmedabad-382445 for the purposes of the said proviso.

[No. S. 35019(248)/79-PF. II (ii)]
HANS RAJ CHHABRA, Dy. Secy.

New Delhi, the 11th August, 1980

S.O. 2179.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 2, Dhanbad, in the industrial dispute between the employers in relation to the management of Digwadih Colliery of Messrs Tata Iron and Steel Company Limited, Post Office Jamadoba, District Dhanbad and their workmen, which was received by the Central Government on the 5th August, 1980.

BEFORE SHRI J. P. SINGH, PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2)
DHANBAD

Reference No. 13 of 1979

In the matter of an industrial dispute under S. 10(1)(d) of the I.D. Act, 1947

PARTIES :

Employers in relation to the management of Digwadih Colliery of M/s. Tata Iron and Steel Company Limited, P.O. Jamadoba, Distt. Dhanbad;

AND

Their workmen

APPEARANCES :

On behalf of the employers.—Shri S. S. Mukherjee, Advocate.

On behalf of the workmen.—None

STATE : Bihar

INDUSTRY : Coal

Dhanbad, 30th July, 1980

AWARD

This is a reference under S. 10 of the I.D. Act, 1947. The Central Government by its notification No. L-20012/36/79-D. III(A) dated 22-3-1979 has referred this dispute to this Tribunal for adjudication on the following terms :

“Whether the demand of the workmen of Digwadih colliery of Messrs Tata Iron and Steel Company Limited, Post Office Jamadoba, District Dhanbad for employment of Shri Shamim Ahmed is justified ? If so, to what relief is the said workman entitled ?”

2. In this case Shri Bhagwan Paswan, General Secretary Koyal Mazdoor Congress made an appearance on behalf of the workmen for the first time on 13-8-79. Thereafter written statement was filed on behalf of the workmen on 29-11-79. On behalf of the management written statement had already been filed. After that nobody appeared on behalf of the workmen in spite of several dates given for this purpose. Ultimately on 17-7-80 the case was taken up ex-parte. One witness for the management Shri K. N. Singh was examined who also proved documents, Exts. M 1 to M 8. Shri S. S. Mukherjee, Advocate for the management was heard.

3. In the written statement of the management it was contended that Koyal Mazdoor Congress had no locus standi as it was not a recognised union. It was also not known whether the concerned workman was a member of that union. There is further more a grievance procedure machinery in

the colliery consisting of the representatives of the management and the workmen for redressal of the grievances of the workmen. The concerned workman never raised any grievance before raising an industrial dispute. For all these reasons it has been said that the reference was not competent. I may mention here that Shri S. S. Mukherjee has not pressed this point at the time of hearing.

4. On the question of fact it may be mentioned that the concerned workman Shri Shamim Ahmed was employed on 1-1-1963 at Digwadih colliery as S. D. Mazdoor and subsequently promoted to the post of shifter w.e.f. 3-7-1972. Shri Shamim Ahmed absented from duty w.e.f. 28-8-74 without any authorized leave. A charge-sheet was issued against him, and since he was not available in the colliery it was sent to his home address by registered post. In the meantime Shri Shamim Ahmed sent an application dated 17-9-74 to the manager, Digwadih colliery requesting there to accept his resignation on the ground that he was not keeping well and was mentally deranged, and his performance of duties may prove danger to his colleagues. A reply dated 25/27th September, 1974 was sent to Shri Shamim Ahmed stating the facts of the charge-sheet on account of unauthorised absence. He was further advised to send a fresh application if he was interested in resigning from Steel Company's services. In reply to that letter an application dated 14-10-74 was received from Shri Shamim Ahmed in which he stated that he was still mentally not fit to perform his duties and therefore resigning from his services which may be accepted. A letter dated 14-11-74 was sent to Shri Shamim Ahmed accepting his resignation and asking him to collect his dues if any from the office. Thereafter an application 11-1-75 addressed to the Divisional Manager (Collieries) was received from Shri Shamim Ahmed about the company's inability to accede to his request for re-employment. Shri Shamim Ahmed thereafter took his settlement dues with the company including his gratuity amounting to Rs. 2196.48 paid on 19-4-75. As regards his Provident Fund settlement he submitted his application to the Coal Mines Provident Commissioner through the company and the same was forwarded to the Provident Fund Commissioner vide company's letter No. CB S/PF-48/1005 and accordingly he got the settlement of Provident Fund also. About 4 years after the acceptance of the resignation of Shri Shamim Ahmed, a letter dated 10-7-78 was received from the General Secretary of Koyal Mazdoor Congress on behalf of Shri Shamim Ahmed containing incorrect statements for consideration of the case of Shri Shamim Ahmed. The management through their letter dated 16-8-78 informed Shri Shamim Ahmed explaining the position and stating the real fact. According to the management therefore, this reference was liable to be rejected.

5. In the written statement of the workmen it was contended that in the resignation application dated 14-10-74 the concerned workman had neither put his signature nor L.T.I.

6. In support of their case the management examined Shri T. N. Singh who was the Under Manager of Digwadih colliery during August 1970 to June 1975. He became the manager in July, 1975 and remained there till March, 1979. He knew the concerned workman Shri Shamim Ahmed. He has proved the application dated 17-9-74 (Ext. M 1) under which he had resigned. Ext. M 2 is the office copy of the letter dated 25/27th September 74 addressed to Shri Shamim Ahmed. The second letter of Shri Shamim Ahmed dated 14-4-74 (Ext. M 3) was written by Shri Shamim Ahmed confirming his resignation. The witness has proved Ext. M 4 which is a letter of acceptance signed by Shri A. S. Gandhi, manager, Digwadih colliery. Ext M 5 is another letter of Shri Shamim Ahmed dated 11-1-75 seeking re-employment. The witness has proved Ext. M 6 dated 14/17th March 1975 addressed to Shri Shamim Ahmed regretting inability to employ him. The representation dated 10-7-78 from Koyal Mazdoor Congress is Ext. M 7. Ext. M 8 is another letter by the management to Shri Shamim Ahmed explaining the position. The witness has said that Shri Shamim Ahmed was paid gratuity and he withdrew his provident fund deposit soon after his resignation was accepted.

7. Now so far as facts are concerned these have been amply proved by the management. Shri Shamim Ahmed had resigned in writing which the management did not readily accept. The management asked the concerned workman to confirm whether he had resigned and the concerned workman then reiterated that he had resigned on account of his illness. Sometime after Shri Shamim Ahmed wanted to be re-employed and his request was not acceded to by the management. Thereafter the concerned workman took settlement of his dues and also got back the amount outstanding in his Provident Fund account. Several years after in the year 1978 the Koyal Mazdoor Congress took up his cause and raised this dispute. I do not see any reason why any relief under this reference could be granted to the concerned workman in the face of his voluntary resignation and acceptance of the same by the management. In other words, the management now cannot be asked to re-employ him.

8. In the result, the demand of the workmen of Digwadih colliery of Messrs Tata Iron and Steel Company Limited, Post Office Jamadoba, District Dhanbad for employment of Shri Shamim Ahmed is not justified. Consequently, the workman is entitled to no relief.

This is my award.

J. P. SINGH, Presiding Officer
[No. I-20012/36/79-D. III(A)]
S. H. S. IYER, Desk Officer

प्रावेश

नई दिल्ली, 12 अगस्त, 1980

फा०आ० 2180.—भारत सरकार के थम भजानय की अधिसूचना संख्या का०आ० 1780, सारीख 19 जून, 1963 द्वारा गठित थम न्यायालय, मुख्यालय जम्पुर के पीठासीन अधिकारी का पद रिक्त हो गया है।

अतः आज, औद्योगिक अधिनियम, 1947 (1947 का 14) की धारा 8 के उपवंशों के अनुसरण में केंद्रीय सरकार श्री जमकरण दामानी को पूर्वोक्त प्रकार से गठित थम न्यायालय का पीठासीन अधिकारी नियुक्त करती है।

[संख्या एस-11020/8/80-डी०-१-ए]
एक० क० नारायणन्, अवार सचिव

ORDER

New Delhi, the 12th August, 1980

S.O. 2180.—Whereas a vacancy has occurred in the Office of the Presiding Officer of the Labour Court, with headquarters at Jaipur, constituted by the notification of the Government of India in the late Ministry of Labour and Employment No. S. O. 1780 dated the 19th June, 1963;

Now, therefore, in pursuance of the provisions of section 8 of the Industrial Disputes Act, 1947, (14 of 1947), the Central Government hereby appoints Shri Jas Karan Dassani as the Presiding Officer of the Labour Court constituted as aforesaid.

[No. S. 11020/8/80[D.I.A.]

L. K. NARAYANAN, Under Secy.

New Delhi, the 12th August, 1980

S.O. 2181.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Jabalpur, in the industrial dispute between the employers in relation to the management of Rawanwara Colliery of Western Coalfields Limited, Pench Area, Post Office Parasia, District Chhindwara (Madhya Pradesh) and their workmen, which was received by the Central Government on the 6th August, 1980.

BEFORE SHRI A. G. QURESHI, M.A., LL.B., PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR (M.P.)

Case No. CGIT/LC(R)(45)/1978

PARTIES :

Employers in relation to the Management of Rawanwara Colliery of Western Coalfields Limited, Pench Area, P.O. Parasia and their workmen.

APPEARANCES :

For workmen Shri S. S. Shakarwar, Advocate.
For management ...Shri P. S. Nair, Advocate.

INDUSTRY : Coal.

DISTRICT : Chhindwara (M.P.).

AWARD

The Government of India, in exercise of the powers conferred by Clause 10(1)(d) of the Industrial Disputes Act, 1947, has referred the following dispute to this Tribunal, for adjudication, vide its Order No. L-22012(9)/78-D.IV(A) dated 19th August, 1978 :—

“Whether the action of the management of Rawanwara Colliery of Western Coalfields Limited, Pench Area, Post Office Parasia, District Chhindwara, in terminating the services of Shri Sunderlal, son of Shri Sarwan, C.C.M. Khalasi, is justified? If not, to what relief is the concerned workman entitled?”

2. The case of the Union is that Shri Sunderlal C.C.M. Khalasi of the Rawanwara Colliery has been working since last 20 years at the colliery and there is nothing against him in such a long tenure of service indicating his attitude of insubordination or indiscipline. There is a practice in the colliery that whenever a workman falls sick he reports to the Colliery Medical Officer in the colliery Dispensary for treatment. The Colliery Medical Officer after examination of the patient advises the workman to go on duty along with treatment or is advised not to go on duty and take treatment. The colliery Medical Officer when advises someone to take rest and not to report on duty, sends a medical certificate to the Manager about the illness of the workman concerned. The workman concerned is not required to send a separate information to the Manager.

3. Shri Sunderlal fell ill on 1-5-1975 and reported to the Colliery Medical Officer. The Medical Officer advised him rest along with his treatment, Shri Sunderlal attended the Dispensary of the Colliery till 1-3-1975 when he was declared fit by the Colliery Medical Officer to resume his duties. When he reported to the Colliery Manager for his duties he was told that his services have been terminated for long absence. Shri Sunderlal tried to satisfy the Manager by saying that he was sick and was advised rest by the Colliery doctor but with no result. Thus the workman was illegally stopped from work by the management. Therefore the workman is entitled to be reinstated with full back wages and other benefit with continuity of service.

4. The case of the management is that the service conditions of the employees are governed by the Certified Standing Orders of the Collieries. According to Clause 19 of the Certified Standing Orders if a workman absents himself without giving any information to the Manager for more than 30 days his services will automatically stand terminated.

Shri Sunderlal Ex. C.C.N. Khalasi, Rawanwara Colliery absented himself without giving any information to the Manager from 29-4-1975 onwards. Since the workman was absent without giving information to the Manager till 24-6-1975, by virtue of operation of Clause 19 of the Certified Standing Orders his services automatically stood terminated on 29-4-1975. The management by their letter dated 24-6-1975 merely intimated the legal position to the workman. There is already surplus labour in coal mining industry and also man power freeze. The Pench area has lot of surplus labour. Therefore it is impossible to give the relief of reinstatement to the workman. The workman must have been earning his livelihood after the automatic termination of his service. He is therefore not entitled to back wages.

5. The Union did not file any rejoinder. The management filed rejoinder and denied all the averments made by the Union including the fact that Shri Sunderlal fell ill from

1-5-1975 and was treated at the colliery hospital. It was also denied that Shri Sunderlal was advised rest by the Colliery Doctor.

6. It is not in dispute before me that Shri Sunderlal did not attend to his duties from 29-4-1975 onwards. Therefore, first of all it has to be decided whether Shri Sunderlal remained absent from duty due to his sickness.

On this point, the workman, Shri Sunderlal, has stated that he was actually sick during the period of his absence from duty, therefore he could not go to attend his duty. According to him after falling sick he went to the colliery hospital where he was treated and treatment slips were issued to him, which are Ex. W/1 to Ex. W/8.

7. Shri Keshav Rao Raikwar (W.W. 1) who is a compounder in the colliery hospital corroborating the testimony of Shri Sunderlal states that Shri Sunderlal was treated at the colliery hospital and treatment slips were issued to him by Dr. Naik who was the Medical Officer of Rawanwara Colliery at that time. The treatment slips are signed by this witness also.

Dr. Naik who is the Medical Officer of the Colliery and examined as a witness of the management admits that treatment slips Ex. W/1, Ex. W/2, Ex. W/3, Ex. W/5 and Ex. W/6 were signed by him. He states that for the first time the patient came to the dispensary for treatment on 5-5-1975.

8. From the perusal of the treatment slips and the aforesaid statements of the witnesses of the Union and the management I find that Shri Sunderlal had fallen sick on 5-5-1975 and was declared fit to resume his duties on 18-8-1975 finally, but during this entire period of sickness there were same brief periods of recovery but none of the recovery period was of 30 days or more.

9. Now the crucial point which falls of determination is whether according to the practice prevalent at the Colliery a sick workman who is treated at the Colliery Hospital, is advised rest by the Doctor, is required to send separate intimation of his sickness to the management; and whether the hospital authorities send the intimation of the sickness to the management.

The Union has pleaded that the prevalent practice of informing the management of the sickness of a workman is, to report to the Colliery Doctor and the Doctor at the Colliery hospital when advising rest to a workman sends the intimation of the workman's sickness to the management. The workman is not required to report the fact of his sickness to the management.

To prove its case, the Union has examined the concerned workman, Shri Sunderlal, who supporting the case of the Union states that throughout his sickness he was treated at the colliery hospital and because of the prevalent practice of reporting sickness through the hospital he did not inform the management of his sickness by a separate intimation or application. Shri Raikwar (W.W. 1) who is compounder of the colliery hospital supports the case of the Union and states that whenever a patient falls sick and is found unfit for resuming his duties by the colliery Doctor a treatment slip is issued to him. The patient takes the slip from the Doctor and gives it to the Compounder, who makes the entries of the sickness in the register of the hospital, maintained for the indoor patients. These entries are then sent to the management. In cross-examination, this witness states that the entries about the treatment of Shri Sunderlal were made in the register. Another witness of the union on this point is Shri S. B. Singh. This witness was a qualified compounder for over 12 years in the Colliery hospital. He also states that the prevalent practice for reporting sick in the colliery is that a workman when falling sick in the colliery and treated by the colliery hospital gets the treatment slip, and if he is found unfit to resume his duties the entry of his ailment is made in the hospital register and the entries of the hospital register are sent to the management.

10. The management has examined Dr. Naik in rebuttal, who instead of rebutting the evidence led by the Union partially supports the case of the Union. He states that when a patient reports sick at the hospital and is found unfit to resume his duties the Dr. puts B as code letter on his prescription and the prescription is sent to the compounder

through the workman himself. The compounder makes the entries in the register about the details of the prescription slip. Fortnightly or monthly the register entries are sent to the management and on the basis of the entries in the register, the management prepares the payment vouchers for those workmen who are declared unfit for resuming the duties. In addition to the register entries in the hospital, the Doctor does not send a separate intimation of the sickness of the workman.

In cross-examination, printed form Ex. W/9 was shown to this witness. Seeing the form, the witness admits that it is a form for reporting sickness of a workman by the hospital to the management and adds that the intimation in form Ex. W/9 is sent to the management only at the request of the workman.

11. The management has not examined the Manager or any other responsible officer of the colliery to show that such a practice of sending the intimation through the hospital is not prevalent in the colliery and that even those workmen who fall sick and are treated at the colliery hospital have to send a separate intimation of their sickness to the management. Had there been a practice in the colliery to send a separate intimation of their sickness by the workmen, who are treated at the colliery hospital, the management could very easily produce a few intimations sent by those workmen who were treated at the colliery hospital to rebut the evidence of the witnesses of the Union on the point of the prevalent practice. But for the reasons best known to the management, the management has not produced a single intimation from any of the workmen to show that a workman who falls sick and treated at the colliery hospital is required to send a separate intimation. The management filed certain applications and certificates of some workmen, who had fallen sick at some other stations and who were treated by some private doctors. It only shows that those persons who are not treated at the colliery hospital are required to send an application for leave supported by medical certificate.

12. In the aforesaid circumstances, the statements of the witness of the Union on the point of the prevalent practice remain unrebutted because the management has not rebutted the statements of these witness by producing any responsible officer of the management and the most important documents i.e. the intimation sent by some other workmen even in case of a treatment at the colliery hospital. Doctor Naik who has been examined by the management does not say that the workman who falls sick and treated at the colliery hospital is required to report separately to the management. On the contrary, he partially supports the case of the union by stating that the intimation of the sickness of the workman in the hospital is sent to the management and the payment vouchers are prepared on the basis of that information which is entered in the register of the hospital.

13. The learned Counsel for the management, Shri P. S. Nair, has strenuously argued that there is provision in the Standing Orders that no workman shall remain absent without sending information to the management and any practice cannot override the provisions contained in the Standing Orders. He has submitted two judgments of the M.P. High Court in Misc. Petition No. 815/73 Shambhu Singh Vs. CGIT Jabalpur and another and in Misc. Petition no. 373 Mahaboo Beg Vs. Central Government Industrial Tribunal Jabalpur and another, in support of his argument.

In my view the argument of the learned counsel is without any merit, because the unrebutted evidence led by the Union discussed above proves that there is a prevalent practice in the colliery that whenever a workman falls sick, treated at the colliery hospital and found unfit to resume his duties, does not send a separate intimation of his absence from duty to the management. The hospital authorities enter the fact of his sickness in the register and the entries of the register are sent to the management, on the basis of which the payment vouchers are prepared. Clause 19 of the Standing Orders only speaks of "any information". It says that if a workman absents himself without giving any information to the Manager for more than 30 days, his services will automatically stand terminated. Clause 19 does not provide for any form of intimation. The important thing is, that the Manager should have the information about the reason of the absence of a workman. The information as held above was sent to the management through the colliery

dispensary. Therefore it cannot be held that the workman Shri Sunderlal remained absent from his duties without informing the manager of his absence. The authorities cited by the learned Counsel are not applicable to the facts of the present case because in instant case, in view of the prevalent practice of giving the information to the Manager, the workman had remained absent after giving the information of his sickness i.e. the reason of his absence to the Manager.

14. In view of the above findings I hold that the workman, Shri Sunderlal, initially fell sick on 5-5-1975 and he remained continuously sick and was treated at the colliery hospital till 6-6-1975. As his sickness was entered in the hospital register and the entries of the hospital registers were sent to the management, the management had the information of the sickness and reason of absence of the workman from duty. From 29-4-1975 to 4-5-1975, the workman, of course, remained absent from duty without any intimation to the management but that absence being of five days, cannot attract the provisions of Clause 19 of the Standing Orders. The management has treated the workman absent without information for a period of 30 days and has taken a view that by operation of Clause 19 of the Standing Orders his services automatically stood terminated on 29-5-1975. But this view is manifestly erroneous because the management had the information of the sickness of the workman through the hospital and the workman was not required to send a separate intimation according to the practice prevalent in the colliery in cases of the workmen who fell sick and were treated at the colliery hospital and were declared unfit to resume duties by the colliery doctor. It therefore follows that the action of the management in treating the services of Shri Sunderlal, being automatically terminated, was not justified.

15. As regards the relief, the workman is entitled to reinstatement and also entitled to all the benefits of the continuity of service. However, he is not entitled to back wages because in its statement of claim, the management has pleaded that after the discontinuance of the service from the colliery, the workman, Shri Sunderlal, must have been working elsewhere and earning his livelihood. The workman has not denied this averment by filing a rejoinder. Even in the statement of his claim the workman has not averred that he is without a job since the termination of his services from the Colliery.

The management is expected to plead and prove that the workman is having another job after the termination of his service, to disentitle the workman to back wages. In the instant case, the management has pleaded that the workman must be doing another job and earning his wages. The workman who has a special knowledge about himself and who could be the best person to aver whether he is working or is without a job, has not denied this averment of the management. As the averment of the management on this point was not denied by the workman, it was not necessary for the management to prove a fact which has not been denied by the other party. So in view of the unchallenged pleading of the management I hold it proved that the workman was working elsewhere after the termination from service from the colliery.

16. In the result, it is held that the management of the Rawanwara Colliery, Western Coalfields Ltd., Pench Area, Parasia, was not justified in treating the service of Shri Sunderlal automatically terminated. Shri Sunderlal is therefore, entitled to relief of reinstatement with all the benefits of the continuity of service. Shri Sunderlal shall, however, not be entitled to get back wages. The management shall pay Rs. 100 to the Union as costs.

Sd/-

A. G. QURESHI, Presiding Officer
[No. L-22012/9/78-D.IV(A)]

Dated : July 26, 1980.

S.O. 2182.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Jabalpur, in the industrial dispute between the employers in relation to the Life Insurance Corporation of India, Kanpur and their workmen, which was received by the Central Government on the 5th August, 1980.

BEFORE SHRI A. G. QURESHI, M.A., LL.B., PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT JABALPUR (M.P.)

Case No. CGIT/LC(R)(5)1979

PARTIES :

Employers in relation to the management of Life Insurance Corporation of India, Kanpur (U.P.) and their workmen represented through the Kanpur Division Insurance Employees Association, 66/118, Kachhiara Mohar, Kanpur (U.P.).

APPEARANCES :

For Union—Shri S.N. Singh, Joint Secretary of the Union.
For Management—Shri V.K. Jain, Administrative Officer.

INDUSTRY : Insurance—DISTRICT Kanpur (U.P.).

AWARD

In exercise of the powers conferred by Clauses 10(1)(d) of the Industrial Disputes Act, 1947 (Act No. 14 of 1947) Government of India vide its Order No. L-17012(15)78-D.IV(A) Dated 3rd April, 1979, has referred the following dispute to this Tribunal for adjudication :—

"Whether the action of the management of Life Insurance Corporation of India, Central Zone Office, Kanpur in increasing the working hours of Shri D. Singh, Overseer (Civil) from 6 1/4 hours per day of week days and 3 1/2 hours on Saturdays to 8 hours per day on all the week days as per notice dated the 19th May, 1977 is justified? If not, to what relief is the concerned workman entitled?"

2. It is a common ground that Shri Dhaneshwar Singh is an employee of the Life Insurance Corporation of India (hereinafter referred to as the Corporation). He is working in the Building Department of the Corporation as an Overseer which is a Class III post. Shri Singh was appointed vide appointment letter No. 1/CR/254 dated 11-4-1961. The terms and conditions of the service were mentioned in the appointment letter of Shri Dhaneshwar Singh (Ex. W1). Clause 3 of the terms of appointment reads as under :—

"Your appointment shall be governed by the Staff Regulations of the Corporation, a copy of which is enclosed herewith, and by such instructions and/or orders that may be issued to you both orally and in writing."

In the year 1963 the Central Office of the Corporation vide its Circular No. B2/18/1343 dated 12-12-1963 (Ex. W3) increased the working hours of all the technical employees of the Building Department to 8 hours a day, on all days except on Sundays and Holidays. In the same order it was made clear that the decision of increasing the working hours will apply only in the case of new entrants and not to any of the existing employees on the regular staff establishment. Shri D. Singh was working for 6 1/4 hours on week days and 3 1/2 hours on Saturdays. As Shri Singh was appointed in the year 1961, the Circular order dated 12-12-1963 did not effect any change in his working hours.

3. It is also not in dispute that on 19-5-1977 the Central Zone Office, Kanpur of the Corporation issued a notice (Ex. W4) under Sec. 9A of the Industrial Disputes Act to Shri Dhaneshwar Singh indicating the intention of the Zonal Manager to change the conditions of service of Shri D. Singh i.e. increasing the working hours of Shri Singh from 6 1/4 hours on week days and 3 1/2 hours to 8 hours on all week days including Saturdays. Shri D. Singh protested against the proposed change of service conditions vide letter Ex. W6 dated 11-6-1977. The copies of the notice in Form E (Ex. W9) were sent to the Asstt. Labour Commissioner, Regional Labour Commissioner and Chief Labour Commissioner (Central) New Delhi. The Kanpur Division Insurance Employees Association also made a protest against the proposal to effect a change in the service conditions of Shri Singh vide Ex. W8. The Zonal Manager of the Corporation Kanpur Zone finally issued an order Ex. W7 dated 4-1-1978 directing Shri D. Singh to put in the revised hours of work as proposed in the notice dated 19-5-1977.

4. The Union raised an industrial dispute on this change of the working hours of Shri D. Singh. The matter thereafter was before the Asstt. Labour Commissioner (Central) Bhopal, for conciliation but the parties could not reach a mutual settlement during the conciliation proceedings. Hence the Conciliation Officer sent a failure report (Ex. W/14) to the Ministry of Labour, New Delhi. Consequently, Government of India has made the above reference for adjudication to this Tribunal.

5. The case of the Union is that as per Staff Regulation, of the Corporation the working hours for all Class III employees were fixed at 6-1/4 hours on week days and 3-1/2 hours on Saturdays. Shri Singh had been discharging his duties according to the said Regulations. Whenever Shri Singh worked for more than the stipulated hours he had been paid overtime wages. This system continued till June 1977. Although the Central Office of the Corporation had effected a change in the working hours of the employees of the Building Department and the hours of work of Overseers were enhanced from 6 1/4 hours to 8 hours per day vide its Circular dated 12-12-1963. But this circular was not made applicable to the existing employees. Therefore, Shri Singh who was employed in the year 1961 continued working for the same hours which were fixed at the time of his appointment according to the Staff Regulations of the Corporation. The Zonal Manager of the Kanpur Zone of the Life Insurance Corporation of India had no right to increase the working hours of Shri Singh unilaterally changing his service conditions. The proposed notice was against the law and in contravention of rule 34 of the Central Industrial Disputes Rules framed under the Industrial Disputes Act. The normal working day constituting 6-1/4 hours of work forms an inseparable part of the terms and conditions of service of Shri Singh. Due to increase in the working hours Shri Singh will sustain irreparable and recurring loss of overtime, a benefit which he has been enjoying since his appointment.

6. The Corporation has raised a legal objection to the reference on the ground that the employees of the Corporation have a statutory status and the rights and duties have been imposed by Statute and not by consent or agreement of parties. It may involve the legal liability of having terms and conditions of service altered unilaterally and even to ones detriment. Therefore workman has no right to claim that the hours of work at 6-1/4 hours per day on week days and 3-1/2 hours on Saturdays have become an unaltered part of the terms and conditions of service and that it cannot be altered even after the compliance of the provisions of law. Therefore the Government of India has made the present reference on incorrect assumptions. According to the Corporation, the staff of the Building Maintenance Department is required to put in 8 hours of work on all days of the week including Saturdays, and all other employees except Shri Dhaneshwar Singh are putting in 8 hours of work per day including Saturdays. Therefore, if the present reference is allowed, it will have the effect of introducing separate terms and conditions of service for one solitary employee as distinct from the terms and conditions of service applicable to the other members of the building and maintenance staff. The Corporation effected the change in the working hours of Shri D. Singh to bring the hours of work of Shri D. Singh in consonance with all other staff members of the building and maintenance department. The change in the working hours of Shri D. Singh has been effected after the strict compliance of the provisions of Sec. 9A of the Industrial Disputes Act. Therefore, the claim of the Union that the change is illegal is not justified. In rejoinder, it has further been averred that the terms of the Life Insurance Corporation (Alteration of Remunerations and other Terms and Conditions of service of Employees) Order 1957 (hereinafter referred to as Standardization Order) are not applicable in case of Shri D. Singh because that order was for regularising the service conditions of the employees of different insurance companies, who became the employees of the Corporation by virtue of the operation of Sec. 11(1) of the Life Insurance Corporation Act, 1956. Shri Singh was appointed on 11-4-1961. Therefore, he is not governed by the terms and conditions enumerated in the Standardisation Order of 1957. The terms and conditions of the employment of Shri Singh shall be governed by the Staff Regulations and by such instructions and/or orders as may be issued to him both orally and in writing.

7. Although the Corporation has raised an objection about the legality of the reference but at the time of the arguments the Corporation could not show as to how the reference is illegal. In my view, the Central Government is fully competent to refer the present dispute to this Tribunal and there is no illegality in making this reference.

The Corporation has contended that it has got a right to alter the service conditions of its employee to the prejudice of that employee unilaterally because the Corporation has a statutory status and it derives its rights by the statute and not by consent and agreement of the parties. In my view, this argument of the Corporation is also without any merit, because although the Life Insurance Corporation of India is a statutory body still it has no free hand in framing the conditions and terms of service of its employees in disregard of the regulations. Statutory body is bound to apply the terms and conditions as laid down in the Regulations. There is a legal compulsion on the Corporation to comply with the Regulations because the Regulations have the force of law. Any order of the Corporation in contravention of the Regulations can be challenged by its employees on the ground that such an order is in contravention of the Regulations. It therefore follows that although the Regulations which have a force of law put an interdict on the freedom of the contract but the Regulations are binding on both the employees and the employers and without amending the Regulations the employer has got no right to change the service conditions of employee unilaterally. In the instant case, however, the Corporation has not effected the change in the service conditions of the workmen unilaterally but has served a notice of change according to the provisions contained in Sec. 9A of the Industrial Disputes Act. Therefore, the plea of the Corporation raised before the Tribunal about the right of the Corporation to change the service conditions of its employee unilaterally is now only of an academic nature.

8. Coming on the merits of the case, now it has to be determined whether the action of the Corporation in enhancing the working hours of Shri Dhaneshwar Singh, Overseer, is justified.

For deciding this issue, first of all, it has to be determined whether the working hours of Shri D. Singh are governed by the Government Notification No. 53(1)-Ins-(1)57 dated 1st June 1957, named as, 'The Life Insurance Corporation (Alteration of Remuneration and other Terms and Conditions of service of Employees) Order, 1957. According to Shri Singh, he is governed by Clause 10 of the aforesaid Order of 1957 according to which his working hours are fixed 6-1/4 hours on week days and 3 hours on Saturdays. The Zonal Manager of the Corporation had no power to amend the above order of the Government of India. Therefore, the order enhancing the hours of work is illegal. On the other hand, the representative of the Corporation submits that this order does not govern the working hours of Shri Singh because this order was meant only for the transferred employees.

9. In my view, the working hours of Shri Singh are not governed by the Life Insurance Corporation 'Alteration of Remuneration and other Terms and Conditions of service of Employees' Order, 1957, popularly known as the Standardisation Order, for the simple reason that Clause 3 of the appointment letter Ex. W/1 of Shri Singh clearly says that the appointment of Shri Singh shall be governed by the Staff Regulations of the Corporation. Shri Singh was appointed on 11-4-1961 and the Staff Regulation had come into force from July, 1960. As such, his service conditions were governed by the Staff Regulations, 1960 and not by the Standardisation Order of 1957. If the intention of the Corporation would have been to apply the terms and conditions of the Standardisation Order even after the coming in force of the Staff Regulations Order of 1960, the appointment letter of Shri Singh should have mentioned that fact specifically. But it is not so mentioned in the appointment letter. Further more, the preamble to the Standardisation Order states in unequivocal terms, the intention of the Government in passing that order. It clearly says that this order is being passed for the purpose of securing uniformity in the scale of remuneration and other terms and conditions of service applicable to the employees of the insurers whose controlled business has been transferred to and vested in the Corporation.

The above preamble makes it clear that this order was passed for securing uniformity in the pay scales and conditions of service of the different employees of the insurance companies who were transferred to the service of the Corporation as a result of the nationalisation. Therefore, the Standardisation Order is applicable only to the employees transferred from private insurance companies to the Life Insurance Corporation as a result of the nationalisation. It cannot, therefore, be made applicable to the employees who were recruited after the nationalisation. Shri D. Singh was admittedly recruited in the service of the Corporation after nationalisation and in his appointment order it is specifically mentioned that he shall be governed by the Staff Regulations of 1960. Therefore, Shri Singh cannot invoke the provisions of Clause 10 of the Life Insurance Corporation (Alteration of Remuneration and other Terms and Conditions of service of employees) Order, 1957, to claim a right of working for 6-1/4 hours on week days and 3-1/2 hours on Saturdays as a statutory right.

9. The appointment letter of Shri Singh does not mention the working hours of Shri Singh. The Staff Regulations of 1960 also does not specify the working hours of Class III employees of the Corporation who are employed in the building and maintenance department. It therefore follows that the working hours of the employees of the Corporation have not been prescribed by any Regulations and the Corporation has kept the power with the administration to fix the working hours of its employees. It is not in dispute before me that prior to the change effected in the working hours of Shri Singh, he was working for 6-1/4 hours on week days and 3-1/2 hours on Saturdays. It has also been proved by documents that whenever Shri Singh worked overtime he was sanctioned overtime allowance and it was paid to him. It is also not in dispute before me that when the Central Office of the Corporation fixed 8 hours duties on all days except on Sundays and holidays for the technical employees in the building department. The order dated 12-12-1963 was not made applicable on the existing employees but was made applicable only in the cases of new entrants. Shri Singh being an existing employee recruited in the year 1961 remained unaffected by that order and he continued to work for 6-1/4 hours on days other than Saturdays and 3-1/2 hours on Saturdays.

10. In view of the above facts, it is manifest that Shri Singh was working for 6-1/4 hours on all working days except on Saturdays and 3-1/2 hours on Saturdays and whenever he worked overtime he was paid the overtime allowance. Therefore, although the working hours were not specified in the appointment letter of Shri Singh still the working hours of 6-1/4 hours on all working days and 3-1/2 hours on Saturdays were recognised by the Corporation and it thus became a condition of service of Shri Singh. The Corporation also realised this fact that the aforesaid working hours had become the service conditions of Shri Singh. Therefore, it served him with a notice proposing a change in the service condition of Shri Singh, according to the provisions contained in Sec. 9A of the Industrial Disputes Act.

11. Now we come to the question, which is the pivot of the present reference is, whether the Corporation was justified in fixing 8 hours as working hours on all days for Shri Singh and whether the procedure adopted by the Corporation in effecting the change is in continuity with rules and law?

The Union has challenged the legality of the notice served by the Corporation under Sec. 9A of the Industrial Disputes Act on the ground that the notice has been issued in contravention of Rule 34 of the Central Industrial Disputes Rule 1957 framed under the Industrial Disputes Act, 1947.

From the perusal of the record, I find that notice of change in service conditions was given by the Life Insurance Corporation of India to Shri Dhaneshwar Singh in Form E on 19-5-1977 which is Ex. W/4. Shri D. Singh raised certain objections to the notice on 11-6-1977 vide Ex. W/6. Ex. W/9 shows that the copies of the notice of change were sent to the Asstt. Labour Commissioner, Regional Labour Commissioner and the Chief Labour Commissioner (Central). Copy was also sent to the recognised Union and the recognised Union also protested against the proposed change vide letter Ex. W/1. Finally on 4-1-1978, the Corporation decided to effect a change in the service conditions of Shri D. Singh according to the proposed change contained in the notice dated 19-5-1977. After the perusal of the above documents,

I fail to see any non-compliance of Rule 34 of the Central Industrial Disputes Rules 1957 by the Corporation. The Union has also not been able to point out any irregularity or contravention of the Rule 34 by the Corporation. Therefore, in my view, the Corporation did not commit any irregularity in giving a notice under Sec. 9A of the Industrial Disputes Act to Shri D. Singh.

12. The other limb of the question is whether the Corporation was justified in effecting a change in the working hours of Shri Singh.

It is not in dispute that Shri Singh is working as an Overseer in the Building and Maintenance Department of the Corporation. It is also a common ground that the other Overseers who were recruited after 12-12-1963 are putting in 8 hours of duties on all week days except holidays, whenever they are posted to work at site where some construction is going on. The officiating Executive Engineer, Shri Bhandarkar, examined by the management also states that the prescribed working hours for the Overseers, Asstt. Engineers, working in the Life Insurance Corporation, are 8 hours a day excluding lunch time. All over India, the prescribed working hours for Overseers are 8 hours. The work done by the Engineering Department is generally planning, construction and maintenance of properties etc. In Life Insurance Corporation, it is called the building department. The construction work is done through the contract labour employed by the Contractor and the normal working hours of the labourers employed by the contractors are 8 hours. The Overseers are supposed to remain present throughout that period at the site to supervise the construction work.

In cross-examination, this witness states that the Overseers are in Class III of the L.I.C. services. The working hours of the non-technical people of the general department are 6-1/2 hours on working days other than Saturdays and 3-1/2 hours on Saturdays. This statement of the witness of the management is not rebutted by the Union and during the course of the arguments also the Union has not assailed me statement of this witness being untrue. Therefore from the statement of this witness it is established that the Overseers in the Building department of the L.I.C. are supposed to work for 8 hours while supervising the out door construction because the construction work is of a duration of 8 hours a day, which is done by the contractors through contract labour. As such, fixing the working hours of an Overseer for 8 hours a day during all the week days except holidays for supervision of construction work cannot be said to be unreasonable because the construction work is of a duration of 8 hours a day and the Overseer is supposed to supervise that work which cannot be properly done unless the Overseer is present at the site of the construction. Further more, the other Overseer in the building and construction department of the L.I.C. are also working for 8 hours a day on all the working days whenever they supervise the construction work or are deputed on other out door works. Therefore, fixing 8 hours of work for Shri D. Singh in all days except holidays whenever Shri D. Singh works out door cannot be held to be unreasonable.

13. It has been strenuously argued on behalf of the Union that in view of Sukhdeo Singh Vs. Bhagatram (AIR 1971 SC 421) and 1968 Madras 280, the Corporation could not enhance the working hours of Shri D. Singh because in the aforesaid judgements it has been held that earning by overtime for extra hours of work is a right to income which is a property right that cannot be taken away and that the condition of service enforced when a workman entered should not be changed to the prejudice of the workman.

In my view, the arguments put forward by the Union are without any force and the ratio of the authorities cited is also not applicable to the facts of the present case. In Sukhdeo Singh Vs. Bhagatram and another (supra) the Supreme Court had an occasion to consider the status of the corporations i.e. Life Insurance Corporation, Industrial Finance Corporation and Oil and Natural Gas Commission. Hon'ble Justice Mathew of the Supreme Court while concurring with the majority judgment made the following observation in one of the paras of the judgment:—

"The remedy of declaration should be a ready-made instrument to provide reinstatement in public sector. Once it is accepted that a man's job like his property of which he can be deprived of for specific reasons this remedy becomes the primary one

though it will need to be reinforced where private individuals are being sued."

The above observation does not in any way lays down a principle that the right to get overtime wages is a right to property. The observation says that a man's job is like his property and if he is deprived of the job the remedy of declaration should be available to him. Similarly in C. I. Kanhan Vs. the Employees State Corporation (AIR 1968 Mad. p. 280) His Lordship Justice Kaulashan had an occasion to consider the applicability of Sec. 9A of the Industrial Disputes Act to the employees of the State Insurance Corporation whose service conditions were changed by the framing of the regulations. On the facts of that case, His Lordship held that the Regulations came into force for the first time in 1959 and had made the introduction of certain rules of discipline which were not applicable to the employees on the day of their employment. Therefore the enforcement of the service conditions regulations did not bring any change in the service conditions of service. As a result, Sec. 9A of the I.D. Act was held to be in applicable. The judgment nowhere says that an employer has no powers to change the service conditions of an employee.

14. In my opinion, the employer is fully competent to change the service conditions of its employees within the frame work of the law and rules applicable to that particular industry. In AIR 1973 SC page 968—Oil and Natural Gas Commission Vs. Their workmen the Supreme Court has held that if the management on an over all assessment of its requirements fixes 8 working hours per day, then in such case the management would have full power and discretion in fixing the working hours of administrative staff within the limits prescribed by statute. In view of the above authority of the Supreme Court, it is clear that the management has got full power and discretion in fixing the working hours of its employees subject to the limitation of the statute by which the employer is governed and reasonableness of the order fixing the working hours.

15. It has been next argued by the Union that the other Class III employees of the Corporation are working for 6½ hours on week days and 3½ hours on Saturdays. Similarly, the other employees of the same category in which Shri D. Singh is working are also putting in 6½ hours on week days and 3½ hours on Saturdays when they are working in the office, but Shri D. Singh is put for 8 hours on all week days, while he is working in the office also.

This argument of the Union cannot be said to be devoid of merit. Circular Ex. W/3 issued by the Central Office of the L.I.C. of India dated 12-12-1963 enhancing the working hours of the technical employee of the building department clearly says that once technical staff of the building department is posted to work at site where some construction is going on, they will be required to put in 8 hours. But so long they work in the office they may work only for 6½ hours on days other than Saturdays and 3½ hours on Saturdays as the other members of the staff do. It has also come in the evidence of the management's witness, Shri Kharadkar, that the staff working in the office works for 6½ hours on all working days other than Saturdays and 3½ hours on Saturdays. From the above it is clear that the office staff and the technical staff when working in the office have to work for 6½ hours on week days and 3½ hours on Saturdays.

16. If the other staff of the building department of the Corporation is working for 6½ hours on week days except Saturdays and 3½ hours on Saturdays when working in office, Shri Singh cannot be asked to put in 8 hours duty on all week days irrespective of the fact whether he is working out door or in the office. Such an order is clearly discriminatory and instead of bringing the working hours of Shri Singh in consonance with the other technical staff of building department, puts him in a separate category.

Therefore, the order enhancing the working hours of Shri D. Singh requires modification to the extent that the working hours of Shri D. Singh, Overseer (Civil) from 6½ hours employees of the Corporation in the same category in the technical department. The working hours of Shri D. Singh should be 8 hours on all days except on Sundays and holidays whenever he is posted to work out door or at a site where some construction is going on but when Shri D. Singh works in office only, then working hours should be 6½ hours on days other than holidays and 3½ hours on Saturdays.

days. The overtime for any work done by Shri D. Singh in the office shall also be calculated according to the calculations of overtime which may be made in the case of other technical staff of the building department who work both in the office and at the site.

17. In the result, it is held that the Kanpur Zone of the Life Insurance Corporation was justified in increasing working hours of Shri D. Singh, Overseer (Civil) from 6½ hours per day on week days and 3½ hours on Saturdays to 8 hours per day on all week days, only to the extent of Shri Singh's work at the site of the construction or while performing out door duties. But the enhancement in the working hours of Shri Singh when he works in the office is not justified.

It, therefore, follows that whenever Shri Dhaneshwar Singh, Overseer, works in the office he may work according to the existing working hours. But whenever Shri Singh is asked to work out door to supervise the construction work at the site or some other out door work, he shall be required to put in 8 hours duty on all days except Sundays and holidays. In the circumstances of the case, parties shall bear their own costs as incurred.

A. G. QURESHI, Presiding Officer.

[No. L-17012/15/78-D.IV(A)]

NAND LAL, Desk Officer

New Delhi, the 20th August, 1980

S.O. 2183.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 1, Bombay, in the industrial dispute between the employers in relation to the management of Messrs Dwarka Shipping Agency, Bombay and their workmen, which was received by the Central Government on the 14th August, 1980.

BEFORE JUSTICE C. T. DIGHE ESQR., B. A. (HONS.),
LLM. PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 1, BOMBAY

Reference No. CGIT-15 of 1977

PARTIES :—

Employers in relation to M/s. Dwarka Shipping Agency,
Bombay

AND

Their Workman

APPEARANCES :—

For the Employers : Mr. M. B. Anchan, Advocate

For the Workman : Mr. S. R. Wagh, Advocate

Industry : Ports and Docks

State : Maharashtra

Bombay, dated the 30th July, 1980

AWARD

The Government of India, Ministry of Labour by order No. S.O. L-31012(6)/77-D.IV(A) dated 20th July, 1977, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, have referred to this Tribunal for adjudication an industrial dispute existing between the employers in relation to the management of Messrs Dwarka Shipping Agency, Bombay and their workman in respect of the matters specified in the schedule mentioned below :—

SCHEDULE

"Whether the action of the management of Messrs Dwarka Shipping Agency, Bombay—400003 in stopping from their services Shri Gangaram Kathodi Patil, Dock Clerk, with effect from the 27th April, 1977, is justified? If not, to what relief is the concerned workman entitled?"

2. The schedule to the reference would show that the dispute referred for adjudication related to the stopping of services of Gangaram Kathodi Patil. The matter has proceeded

ed and remained pending. Thereafter though diligent efforts were made, the workman could not be made available for cross-examination. His advocate Mr. Wagh has so intimated to the Court by this application dated 12th March, 1980. The management says that they are not interested in the reference. Today a combined pursis is given by the two advocates saying that both the parties do not want to proceed in the matter. The matter has thus come to a stand-still. No order in favour of the workman can be passed. No order is asked by the management. In that circumstances the reference is treated as dropped. My award therefore is made accordingly.

C. T. DIGHE, Presiding Officer
[No. L-31012/6/77-D.IV(A)]

New Delhi, the 23rd August, 1980

S.O. 2184.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal Calcutta, in the industrial dispute between the employers in relation to the management of Life Insurance Corporation of India, Calcutta and their workmen, which was received by the Central Government on the 14th August, 1980.

BEFORE MR. JUSTICE R. BHATTACHARYA, M.A.B.L.,
PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL : CALCUTTA

Reference No. 7 of 1978

PARTIES :

Employers in relation to the management of Life Insurance Corporation of India, Calcutta

AND
Their Workmen.

APPEARANCES :

On behalf of Employers : H. C. Paul, Assistant Secretary (Law).

On behalf of Workmen : Mr. S. N. Bhowmick, Vice President Eastern Zone Insurance Employees Assocn.

STATE : West Bengal

INDUSTRY : Insurance

AWARD

This is a reference under Section 10 of the Industrial Disputes Act, 1947 made by the Central Government by Order No. L-17011(15)/76-D.IV(A) dated 1st September, 1977 for decision of a dispute between the management of the Life Insurance Corporation of India Calcutta and their workmen. The dispute given in the Schedule to the Reference is as follows :

1. Whether the management in relation to the Life Insurance Corporation of India, Calcutta are justified in proposing change of duty hours of Staff Car Drivers, namely Sarvashri Haripal Jha, Md. Hakub Khan, Md. Shob Khan and K. M. Paul attached to the Zonal Office, Calcutta vide their Office Order No. Z/P Personnel dated 31st July, 1976 ? If not, to what relief are the concerned workmen entitled ?

2. The written statements have been filed by both the management of the Life Insurance Corporation of India, hereinafter referred to as the "Corporation" and the workmen through the Calcutta Division Life Insurance Employees' Association, hereinafter described as the "Employees' Association".

3. The case of the workmen, in brief, is that the Employees' Association represents more than 75 per cent of class III and class IV employees working in the territorial jurisdiction of the Calcutta Divisional Area of the Corporation. The terms and conditions of service of the employees of the Corporation are regulated by the Government of India Order No. 53(1)/INS(I)/57 dated 1-6-57 issued under Section 11(2) of the Life Insurance Corporation Act and Staff Regulations, 1960 of the Corporation. According to

clause 10 of the Government order, the hours of work for sub-staff attached to office will be 7½ hours on week days and 4½ hours on Saturdays. On the basis of this order the Corporation issued an office order No. 57/Estt./MA dated 23-11-61 specifying the duty hours of the drivers with effect from 1-12-61. In this order the total number of duty hours of the drivers was fixed at 8 hours including recess for week days for 45 minutes. On 31-7-76 the Corporation issued another office order increasing the duty hours of the staff car drivers by 45 minutes more per day. According to the workmen, the Staff car drivers of the Corporation are sub-staff attached to office and the Corporation by issuing this order increasing the duty hours violated the provisions relating to hours of work as mentioned in clause 10 of the Government order dated 1-6-57 already mentioned. The Employees' Association protested against this increase of duty hours imposed on the staff car drivers and made representation by letter dated 18-8-76. The Corporation did not accept the objection of the workmen and, therefore, at the instance of the workmen the matter was taken up in conciliation by the Assistant Labour Commissioner and the Regional Labour Commissioner (Central), Calcutta. The Corporation issued another order purported to be under Section 9A of the Industrial Disputes Act on 3rd January, 1977. That order in the form of letter increasing the duty hours by 45 minutes per day was illegal and in violation of the Government order issued on the 1st of June, 1957 and the provisions of the West Bengal Shops and Establishments Act. It is further stated by the workmen that the duty hours of drivers are less in many commercial establishments and Reserve Bank of India, Calcutta. The contention of the workmen is that the increase of the hours of work indicated in the order dated 31-7-76 and 3-7-77 are illegal and against law. In a rejoinder to the written statement filed by the employer, the workmen have stated that the Corporation always considered and treated the staff car drivers as office sub-staff since their duties are connected with the office. They have further stated that the terms of service regarding the duty hours cannot be unilaterally changed or altered to the detriment of the employees. The workmen have denied all material allegations made by the Corporation in its written statement.

4. To be short, the case of the Corporation in its written statement is that the relationship between the Corporation and its workmen is not contractual but statutory in nature, and therefore, no dispute between the parties can constitute an industrial dispute. The Corporation has the right to alter the duty hours of the staff car drivers according to the provisions of the Life Insurance Corporation Act, 1956, Staff Regulations of 1960 and also the order passed in 1957 referred to by the workmen. There were two settlements between the Corporation and its workmen in 1974 through their unions and according to the terms of settlement, the workman had undertaken to be governed by all administrative instructions issued from time to time and, therefore, they are now estopped from challenging the proposed amendment in the duty hours. In the instant case, the order under Sec. 11(2) of the Life Insurance Corporation Act, does not govern the case of all the workmen concerned except only one workman named Haripal Jha, an employee who came over to the Corporation from the private insurer. The Corporation is entitled to carry on its work following statutory law, rules, regulations and in particular the provisions of the West Bengal Shops & Establishments Act, 1963. It has been stated by the Corporation that clause 10 of Standardisation Order relied upon by the workmen does not help the workmen. The competent authority of the Corporation is authorised to fix the duty hours of the staff car drivers in the present case. In the Standardisation Order there is a distinction between the sub-staff attached to the office and the other categories of sub-staff such as cleaners, watchmen, drivers and the like. The staff car drivers of the Corporation are not sub-staff attached to office. The order dated 31-7-1976 is not in violation of the provisions of clause 10 of the Standardisation Order. There has been no arbitrary imposition of increased duty hours. The drivers are members of the building maintenance staff and are liable to put in 8 hours of work on all the days of the week except one under the administrative instructions and circulars issued by it. In fact the Corporation's case is that the orders and letters challenged by the workmen as illegal are quite valid and in accordance with law. They were bonafide and the workmen can get no relief in this reference.

5. Several documents have been exhibited on both sides in this case and witnesses have been examined by the parties.

6. Mr. Bhowmick, the Vice-President of the Eastern Zone Employees' Association appears on behalf of the workmen duly authorised by the Employees' Union representing the workmen. Mr. Paul, Assistant Law Officer of the Corporation represents the employers.

7. During argument the case of Mr. Bhowmick for the workmen is that the Order No. 53(1)-Ins(1)/57 dated the 1st June, 1957 of the Government of India, Ministry of Finance (Department of Economic Affairs), described as the Life Insurance Corporation (Alteration of Remuneration and other Terms and Conditions of Service of Employees) Order, 1957 (hereinafter described as Government Order of 1957) is a statutory order which binds the Corporation and its employees. On the basis of paragraph 10 of the said Order relating to the hours of work of the Corporation employees, the Corporation issued an order dated November 23, 1961, hereinafter described as Corporation Order of 1961, fixing the duty hours of the staff car drivers limiting to eight hours. The order issued by the Corporation dated 31-7-76 increasing the duty hours by 45 minutes for the staff car drivers who are attached to office was against law violating the Government Order of 1957 and the Corporation Order of 1961. Mr. Bhowmick further challenges the notice dated 3-1-77 issued by the Corporation under Section 9A of the Industrial Disputes Act, 1947 on the ground that such notice is bad as it goes against the Government Order of 1957 and increases the hours of work of the staff car drivers who belong to the sub-staff attached to the office of the Corporation, such a notice, if at all, could be issued by the Corporation and not by the Zonal Officer, Mr. Bhowmick's contention is that only by legislation and the Order of the Central Government, the hours of work of the staff car drivers can be increased. The last submission on behalf of the workmen is that the section 24 of the West Bengal Shops and Establishments Act, 1963 prohibits the increase of the eight hours duty period of the staff car drivers as it is prejudicial to their right and privilege.

8. Before going to the contentions of the parties, the facts admitted before me by the parties during argument may be stated. Of the four staff car drivers, only Haripal Jha is the employee of the previous insurer taken over by the Corporation at its inception. The cars are used for the works of the Corporation and sometimes, if any officer of different zone or any guest of the Corporation comes, the car is sent to bring him from the aerodrome or the Railway station. The work of the drivers is inherently of intermittent nature. The Corporation is guided by the West Bengal Shops and Establishment Act, 1963. The Corporation, however, disputes the contention that the staff car drivers are attached to office.

9. Let me now deal with the submissions of Mr. Bhowmick. The Government Order of 1957 is marked Ext. W-9. This order was passed for the purpose of securing uniformity in the scale of remuneration and the other terms and conditions of service applicable to employees of insurers whose controlled business has been transferred to and vested in the Corporation. This was done in exercise of the powers conferred by sub-section (2) of Section 11 of the Insurance Corporation Act, 1956. The relevant paragraph of this Order is given below :

"10. Hours of work :

The number of hours of work which shall constitute a normal working day for all employees in supervisory and clerical grades at all the offices of the Corporation shall be 6-1/4 hours on week days and 3-1/2 hours on Saturdays. The hours of work for sub-staff attached to offices will be 7-1/4 hours on week days and 4-1/2 hours on Saturdays. Subject to this over-all limit, the actual hours of work for each office in each Zone shall be fixed by the Zonal Manager. The hours for all other categories of sub-staff such as cleaners, watchmen, drivers and the like, whose work is inherently of an intermittent nature, shall be fixed by the Competent Authority of the Corporation, subject, however, to the maximum limits, if any, prescribed for similar employees in commercial establishments."

10. This paragraph has three parts. The first part relates to employees in supervisory and clerical grades at all the offices of the Corporation. The second part concerns the sub-staff attached to offices and for them the hours of work of work will be 7-1/4 hours on week days and 4-1/2 hours on Saturdays. For these two classes of employees attached to office, the working hours are to be fixed by the Zonal Manager concerned. The third part of paragraph 10 of the Orders speaks about all other categories of sub-staff such as cleaners, watchmen, drivers and the like whose work is inherently of an intermittent nature in the matter of fixation of the hours of work, subject to the maximum limits, if any, prescribed for similar employees in commercial establishments. Here the word 'prescribed' means prescribed by any law in force.

11. The Order of 1957, Ext. W-9, it is seen, was passed under Section 11(2) of the Insurance Corporation Act, 1956 and the paragraph 2 of the order clearly says that the provisions of the Order shall apply to all persons who have become employees of the Corporation under Section 11 of the Insurance Corporation Act and who were in supervisory, clerical and subordinate staff grades of the Insurers on 31-8-56 except those who were in temporary employment. Clearly, therefore, Government Order of 1957 covers the case of Haripal Jha only of the four drivers concerned to make his service condition similar to those of other employees of the Corporation belonging to the same category to avoid discrimination. In consequence, the duty hours of drivers were fixed by an office order dated 23-11-61. There is no dispute by the Union about the validity of the notice governing the staff car drivers. The contention of the Union is that this order was issued in pursuance of the second part of paragraph 10 of the Government Order of 1957, Ext. W-9, treating the staff car drivers as belonging to the sub-staff attached to office.

12. The main contention put forward by the Employees' Association is that the staff car drivers are members of sub-staff attached to office and, as such, there cannot be any increase in the 7-1/4 work hours on week days and 4-1/2 hours on Saturdays. I shall, therefore, consider this question first. As I have already stated, the second part of paragraph 10 of Ext. W-9 relates to sub-staff attached to offices and for them work for 7-1/4 hours on week days and 4-1/2 hours on Saturdays has been fixed. The third and last part of the paragraph covers all other categories of sub-staff whose work is inherently of an intermittent nature and it says that for this class of employees the competent authority of the Corporation shall fix the hours of work subject to the maximum limits prescribed for similar employees in commercial establishments. This part of the paragraph relate to "all other categories of sub-staff" except those attached to office and further it has been made clear by saying with illustrations that this sub-staff will include employees "such as cleaners, watchmen, drivers and the like, whose work is inherently of an intermittent nature". The illustrations given are clear and unambiguous. Drivers are included in this class of sub-staff. There is no limitation put on the word 'drivers'. There is nothing to indicate that staff car drivers will be excluded from the general category of drivers specifically mentioned in the third part of paragraph 10 of Ext. W-9. There is no hint in paragraph 10 that the word 'drivers' will exclude any class of drivers attached to office. Staff car drivers have not been distinguished from 'drivers' mentioned in paragraph 10 though from the evidence of Kishori Mohan Pal, a staff-care driver examined as WW-1 we find that besides staff-car drivers, there are other van drivers. From the plain reading of the language of paragraph 10 of Ext. W-9, there can be no doubt that the word 'drivers' mentioned there includes staff-car drivers.

13. Besides, in Ext. W-1, the Corporation Order of 1961 fixing the duty hours, we get the mention of "Duty hours of Drivers". Here also we find the use of the wide and general category of "drivers", no doubt including staff-car drivers. There is no dispute before me about the validity of this order for duty hours governing the staff-car drivers. There is no case of the workmen that there was any separate order for duty hours meant for other types of drivers, other than the staff-car drivers. On the other hand, the submission of Mr. Bhowmick is that the order dated 31-7-76 for the change of duty hours for the staff-car drivers Ext. W-3 and the notice under Sec. 9A of the Industrial Disputes Act, Ext. W-5, are illegal as they cannot increase the

duty hours mentioned in Ext. W-1 on which he relies. MW-1, Durlav Chandra Sanyal, an Assistant Administrative Officer of the Eastern Zone office of the Corporation has stated that as per Corporation Order of 1961 the duty hours of the staff-car drivers were from 9.45 A.M to 5.45 P.M. He was shown Ext. W-1. From his evidence we get that the drivers were given a lunch recess of 45 minutes within their eight hour duty period. The drivers were not given fixed period of lunch recess as their work was of intermittent nature.

14. My attention has been drawn by Mr. Bhowmick to some attendance registers of the Corporation, wherein there are rubber stamp impressions stating "opens at 9.30 A.M. and closes at 5.30 P.M.". Mr. Bhowmick has argued that when office opens at 9.30 A.M. and closes at 5.30 P.M. and when the staff-car drivers' duty hours run from 9.30 A.M. to 5.30 P.M., they must be regarded as employees attached to office and, as a result thereof, they come under the category of sub-staff referred to in second part of paragraph 10 of the Government Order of 1957. We find from evidence that even class III employees whose duty hours run from 10 A.M. to 5 P.M. sign on the attendance register with rubber stamps showing that the office opens at 9.30 A.M. and closes at 5.30 P.M. WW-2, a cleaner, has stated that when he was a cleaner, he used to clean furniture of the office before the usual office hours started. The argument that the timings given in the rubber stamp are duty hours of the employees is unacceptable. On consideration of the evidence, both documentary and oral, I hold that the staff car drivers are not attached to office as contemplated in second part of paragraph 10 of Ext. W-1 but being drivers as described in the third part of the paragraph belong to the sub-staff referred to therein and their hours of work can be fixed by a competent authority of the Corporation as mentioned there. Even if it is assumed that the staff car drivers are attached to office, due to the general term 'driver' used in third part of paragraph 10 without mentioning staff car drivers to be excluded in case they are attached to office and also due to the staff car drivers duty being of inherently intermittent character, I am to hold that the staff car drivers are governed by the last part of the paragraph 10 of the Government Order of 1957.

15. The next point canvassed by Mr. Bhowmick before me is that the Zonal Manager cannot later or increase the hours of work of the staff car drivers when once the same have been fixed by the Government order of 1957, Ext. W-9. Mr. Bhowmick's view is that the Government order of 1957 has been statutory force being issued in exercise of the powers conferred by Sub-section (2) of Section 11 of the Life Insurance Act, 1956 and only the Legislature or at best the Central Government can alter the hours of work specified in paragraph 10 of the Order of 1957. There is no doubt that in the first and second part of paragraph 10, hours of work have been specified for supervisory and clerical grades at all the offices of the Corporation and for sub-staff attached to offices last subject to the limit mentioned, actual hours of work for those officers shall be fixed by the Zonal Manager. When I have already found that the staff car drivers are not governed by the first two parts of the paragraph 10, Mr. Bhowmick's argument regarding the power of the increasing specified hours of work would be of no help to him. In the third part of the said paragraph it is clearly stated that the competent authority of the Corporation has the power of fixing hours of work for the sub-staff within the maximum limit prescribed for similar employees in commercial establishment. It is admitted by both the parties before me that the West Bengal Shops and Establishments Act, 1963 is applicable to our case. Section 7 of the said Act relates to hours of work. Sub-section 2 of Section 7 says that no employee shall be required or permitted to work for more than eight hours and a half in any one day or for more than forty-eight hours in any one week. Of course, there is some proviso with which we are not concerned in this case. Sub-sections (3) and (4) relate to the stretch of work at a time and intervals for rest. Staff car drivers hours of work can, therefore, be fixed subject to the maximum limit prescribed by law, viz., the West Bengal Shops and Establishments Act, 1963. In the present case the hours of actual work fixed by the Corporation order of 1961 was less than the maximum limit now fixed by the West Bengal Shops and Establishments Act, and the proper authority can fix and increase

the hours of work so long the working hours do not go beyond the maximum limit prescribed by law. The proposed increase in the hours of work for the staff car drivers is within maximum limits prescribed. In this case the Zonal Manager of the Eastern Zone of the Corporation, being the administrative head of the Zonal office has the undisputed authority to issue orders for duty hours and hours for work meant for staff car drivers. He has the authority to issue orders for change of duty hours and hours of actual work for the said staff car drivers. It is also in consonance with paragraph 10 of the Government Order of 1957 also known as Standardisation Order.

16. The evidence shows that at first the Zonal Manager proposed to change the duty hours by an order dated 31-7-76, Ext. W-2 increasing the working hours of staff car drivers to eight hours on full working days and four hours on half days. The Zonal Manager then issued a notice of change of service condition of the staff car drivers relating to duty hours under Section 9A of the Industrial Disputes Act, 1947. About the issuance of the notice here is no dispute before me by the Employees Association. Mr. Bhowmick made an attempt to argue that mere issue of Section 9A notice does not make the change of duty hours legal. His case is that only Legislature or the Central Government Order can, at best change the duty hours. I have already held that staff car drivers are governed by the third and last part of paragraph 10. I also hold that the Zonal Manager being the administrative head of the Eastern Zone is the competent authority to increase the hours of work of the staff car drivers including the one, Haripal Jha who has become an employee of the Corporation under Section 11 of the Insurance Corporation Act, 1956 coming over from the Insurer on 31-8-56 and governed by the Government Order of 1957.

17. Mr. Bhowmick has further argued that Section 24 of the West Bengal Shops and Establishment Act 1963 gives protection to the workmen against the increase of the duty hours as such increase is prejudicial to their employment of less duty hours for a pretty long time since 1961. The said section 24 is quoted below :

"24. Saving of certain rights and privileges :—

Nothing in this Act shall affect any right or privilege to which any person employed in any shop or establishment is entitled on the date of the commencement of this Act under any law for the time being in force or under any contract, custom or usage which is in force on that date, if such right or privilege is more favourable to him than any right or privilege conferred upon him by this Act or granted to him at the time of appointment."

Paragraph 10 of Ext. W-9 shows that drivers hours of work can be extended to the maximum limit prescribed for similar employees in commercial establishment. Mr. Bhowmick has not shown that the staff car drivers had acquired any right or privilege under any law or contract to work no more than 7-1/4 hours on week days along with 45 minutes recess. No law or contract was shown by which the drivers could be said to have acquired right or privilege not to work more than the duty hours fixed previously by office order. It cannot be argued that any right or privilege has been given by the West Bengal shops and Establishments Act to the staff car drivers which can be said to have in any way gone against any right or privilege they had acquired under law or contract. Mr. Bhowmick submits that from 1961 to 15-8-64 when the Act came into force the staff car drivers enjoyed duty hours much less than the limit prescribed by the law and naturally Section 7 of the Act has caused prejudice to their interest. I cannot this argument. Section 24 of the West Bengal Shops and Establishments Act does not help the staff car drivers.

18. The last argument submitted by Mr. Bhowmick is that the Corporation could not increase the hours of work of the staff car drivers due to the existence of a settlement between the Corporation and employees through their Unions. Ext. M-3 is the copy of the memorandum of settlement between the Corporation on the one hand and its workmen represented by some unions including the Employees Association duly signed. Ext. M-2 is a similar settlement between the Corporation and workmen represented by another

union. Ext. M-3 dated 24-1-74 and Ext. M-2 is dated 6-2-74. The settlements are to be effected from 1-4-73 to 31-3-77. The disputes and the demands of workmen settled have been mentioned in paragraph 1 to 11 under the heading 'Terms of Settlement'. The paragraph 12 relates to the period of settlement. In the settlement there was no dispute raised regarding the increase in the hours of work or duty hours of the staff car drivers; neither was there any term of settlement on this question. Clearly, therefore, the Corporation was at liberty to change the hours of work of the staff car drivers within the maximum limit prescribed by law and there will be no violation of any term of settlements in question. Mr. Bhowmick's last contention also fails.

19. In view of my discussions above, in the facts and circumstances and on evidence on record, I hold that the management of the Life Insurance Corporation of India, Calcutta are justified in proposing change of duty hours of the staff car drivers, Haripal Jha, Md. Yakub Khan, Md. Shaib Khan and K. M. Paul, in their office order dated 31-7-76, followed by the notice dated 3-1-77 under Section 9A of the Industrial Disputes Act, 1947 which is quite legal and bonafide. On this finding, the concerned workmen are not entitled to any relief.

This is my award.

Dated, Calcutta, the 5th August, 1980.

R. BHATTACHARYA, Presiding Officer
[No. L-17011/15/76-D.IV(A)]
NAND LAL, Desk Officer

